

Mr. Chairman, it is just as plain as the nose on my colleagues' faces. That is exactly what the amendment says, and that is not what we want to do. We want to encourage those people to move rapidly with the standards, rapidly with the assessment so that they, too, can get in line to get flexibility to do what? To make sure that programs that have failed the children we wanted to help, programs that have failed and failed and failed the very students we wanted to help, the most educationally disadvantaged students, we want to try to correct that.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GOODLING) has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, as my colleagues know, every year we try to zero in and make sure that the money goes to where it is most needed, and one of our friends in the other body and, I might say, in the other party always makes sure there is hold harmless. Not my party, not my side of the aisle, but in the other body, one of the friends from the other side always gets hold harmless so we cannot target to the very people that need it the most.

But, my colleagues, let us target something that is beneficial to the most important students, the most disadvantaged educational students. Let us not give them any more pabulum as they have had in the past. Let us make sure that \$50 billion or the \$110 billion or \$120 billion count for the most disadvantaged education students in this country.

Reject this amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. BLUNT) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join the gentleman from California (Mr. MILLER) offering this amendment, and I rise in strong support. This amendment seeks to strengthen the efficiencies in the Ed-Flex program identified in a November General Accounting Office Report. This

report of the GAO said that the ability of the existing Ed-Flex program to enforce accountability is suspect. GAO said that the States are not setting required goals for increased student achievement and little is known about the actual impact of waivers.

Part of the rationale for the enactment of this demonstration program in 1994, and it was 1994, Mr. Chairman, when I was still chairman of the subcommittee; part of the rationale for the enactment was that we will be able to gauge the impact of waivers on student achievement. This is not presently possible. The Miller-Kildee amendment, accountability amendment, seeks to address these issues.

Very simply, Mr. Chairman, this amendment would require States who wish to participate in Ed-Flex to have the system of standards and aligned assessments as required in Title I in place. This amendment will mean that States participating in Ed-Flex will be able to accurately measure student performance and also produce disaggregated results based on categories of at-risk student populations. Without this type of information in place, we will not be able to accurately measure whether the student achievement is going up over time and particularly how it is going up with particular groups for whom this bill has been targeted in the rest of ESEA.

Our taxpayers who are the investors in education in this country want to know and have their right to know how their money is being used and whether that money is being used successfully. I think we have an obligation in spending those dollars that we require that assessment make sure that that money is being spent effectively. I urge all our Members to adopt this amendment. This amendment to my mind is such a perfecting amendment, my colleagues will not only gain power in this bill for education, but we will find a real bipartisan bill emerging from this House.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, and I guess I rise reluctantly, to oppose this amendment, but in a sense of the bill we are dealing with I cannot be that reluctant. The concept of putting all of these things in place; that is, content standards and performance standards and assessments that are aligned with the performance standards is clearly the way we are supposed to go in this country. I have absolutely no doubts about that whatsoever, and I think we should do it, just as there are other things are being discussed on this floor today about which I also feel good that we should be doing. The question is what should we be doing in the education flexibility bill.

Mr. Chairman, I do not know how many people listen to the chairman, the gentleman from Pennsylvania (Mr.

GOODLING), and, as my colleagues know, if somebody can repudiate this, hopefully not on my time, but on their time, I would welcome them to do it. But it is my understanding that when we are talking about the final assessments, that there is not one State in the United States at the present time which has its final assessments in and approved by the Secretary. I do understand that the chief State school officers say that there are 17 that are ready to go and they just have not submitted them. Fine. That leaves 33 who are not there, and only 21 States have their performance standards done.

Why? The reason is that in the Elementary and Secondary Education Act, where this would be a very applicable amendment, in that particular act they do not have to have this completed until the school year 2000-2001, and yet we are taking this education flexibility bill in which we are trying to get States the ability to work with the local school districts to get around some of the Federal bureaucratic things that we have done, and we are getting an amendment like this, which is all of a sudden taking an incredibly overwhelming, almost crushing responsibility of getting these ready a couple years in advance or they will not be eligible for education flexibility.

That is a mistake. I mean there is nothing wrong with the amendment. There is nothing wrong with the intent of the amendment. There is nothing wrong with any of the positions that the gentleman from California (Mr. GEORGE MILLER) or anybody else has taken here today. But it is very wrong to even think about attaching this particular amendment to this bill though it is my hope that maybe the statement has been made and this particular amendment can be withdrawn because it just is so ill fitting with the legislation before us.

Now, Mr. Chairman, we have put a great deal of accountability in this bill to the extent that we can. There must be annual reports submitted to Congress. The Secretary has to approve State applications. The Secretary conducts performance reviews of State performance. We have done it at the State level. They must have specific and measurable performance goals required to monitor local waiver recipients annually and hold them accountable for performance. We must provide public notice and opportunity for comment when waivers are approved. We must submit an annual report to the Secretary and States must submit an annual report to the Secretary that summarize the student performance and types of waivers granted and that at the local level local applicants must send specific and measurable performance goals as part of an overall reform effort. They must track the performance of schools and groups of students affected by waivers, and waivers are

subject to termination, the performance declines, against objectives for 2 consecutive years.

Why did we put that into this particular bill? Because in the GAO report they said there has to be more accountability and more assessment, and so we have started that process here. But we do not leapfrog over to the demands which are in the gentleman from California's amendment which are final assessments which simply are ready and are going to cut most States out of Ed-Flex.

This is a killer amendment of killer amendments, as far as I can ascertain, and again I honestly ask somebody to try to rebut what I am saying, if they are able to do that at some point in this discussion. But I think we are making a mistake even considering this amendment. We are close to the universal agreement that this is a good bill. The only question is what amendments are we going to adopt. This is not one that we should adopt.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for bringing forward this bill along with my colleague from Indiana (Mr. ROEMER). I think it is a good bill and one that I am very pleased that we have on the House floor today. I unfortunately have to join the gentleman in rising in opposition to this amendment because I do think it would gut the primary benefit that we receive from this bill, which is essentially to extend to 38 States the possibility to be able to participate in this waiver program that addresses the one problem that I hear over and over and over again when I talk to educators in my home State of Indiana. They tell me that they cannot focus 100 percent of their time on teaching their children and developing policies and curriculums that will make our schools the best in the world because they have to worry about rules, and regulations, and paperwork, and policies coming out of Washington that do not always make sense for their school.

One of my wife's best friends, a young teacher named Brenda Wilson, teaches in the gifted and talented program in Pendleton Schools, and she told me they thought about abolishing gifted and talented programs because they could not fit it into their budget priorities when they met all of the different requirements in the federal programs, and that would be a sad day if that happened.

So I rise in strong support of this bill and would urge my colleagues to vote no on the amendment.

H.R. 800, the Education Flexibility Partnership Act, is our first opportunity this Congress has to reform our nation's troubled education system.

It is bipartisan legislation that the Education Committee passed by a vote of 33 to 9.

ED-FLEX is a step in the right direction for families who are concerned about the education of their children.

Why are families concerned? Because they worry, as you and I do, about poor reading skills—whether their child is reading at grade level and failing math and other test scores. And they care, like so many of us in this body, about the values their community holds dear and wishes to pass on to the next generation through education.

Why can't states fix these problems today? One of the reasons is that states have been saddled with prescriptive, top-down, Washington-knows-best approach to education that stifles local common sense and excellence.

H.R. 800, the Education Flexibility Partnership Act, satisfies many of the problems families are concerned about. Specifically, H.R. 800 allows parents to have greater input and local education agencies more control over the education priorities that matter to them. Twelve states have been eligible for this, but currently, Indiana does not have the freedom to use federal categorical aid on how they wish to support locally-designed, comprehensive school improvement efforts. They are one of the 38 who need this bill. This bill makes all 50 states eligible for greater State and local flexibility in using some federal education funds. It allows waivers from federal mandates, regulations, and requirements that rob local education agencies of their ability to solve the problems they see every day.

The complaint I hear from teachers and school administrators in my district over and over again is that federal mandates get in the way of school's ability to serve their students in the most effective way possible. Ed-Flex would address these concerns by allowing states and local school districts greater flexibility in using federal education funds in exchange for greater accountability.

National test scores place Indiana 44th out of 50 states on the SAT, and 40 to 60% of Hoosier high school students are failing basic math and English on the ISTEP tests we have in Indiana.

Because of this, people in my district want relief from the federal mandates that have a stranglehold on education in Indiana. I have discussed this legislation with teachers, administrators and parents on my Education Advisory Committee, and they support this bill.

They support it because, even in our most rural communities, different schools have different needs. Our teachers and administrators are full of ideas about how to improve education programs and how to best serve their students, but in many cases they cannot because of bureaucratic requirements. This bill will give them the flexibility to act on these ideas.

Can we do better? Should we allow states the chance to do better? Should we give parents more opportunity to help their kids learn?

Of course we should!

I urge all of my colleagues to vote for passage of H.R. 800, the Education Flexibility Partnership Act, and give families more control to improve the education of their children.

□ 1600

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and I rise as a supporter of the underlying bill because I believe that the Kildee-Miller amendment significantly strengthens the underlying bill.

The underlying bill here is one in which we say to States and localities that if they truly believe that they have a more creative and powerful way to achieve the goals set forth in various Federal education initiatives, then try them; if they can do better than the orthodox way of doing things, then we applaud them and support them.

Implicit in that proposition is a measurement of whether the States and localities are, in fact, doing better by trying the flexible approach. I know that the words are in this bill that would measure whether the States and localities are doing better, but as the gentleman from California (Mr. GEORGE MILLER) said earlier today, educational bureaucrats in particular are masters at spinning words about what they are doing. They are not always so good about providing measurements.

I would submit that it would be technically within the definition of a meaningful evaluation under the statute if the chief school officer of a State submitted the following annual report about his or her waiver schools: We have spoken to every teacher in every school district and assessed their evaluation of the success of our waiver program. Each of those teachers has reported to us that each of their students is doing better than they were before in reading, language, arts and math. That is a specific measurable evaluation of how well the schools are doing. It is also utterly worthless, because it does not measure.

It makes four mistakes. It permits words rather than numbers. We need measurable, quantitative measures to figure out whether students are doing better under the waivers. It permits us to talk about States and not localities within those States. An aggregate State average may well show improvement but it would mask continuing deficiencies in districts with special challenges and communities with special needs.

It permits States to talk about groups of students without disaggregating or breaking out particular subcategories of students who have particular barriers of discrimination, of poverty of other reasons that they may not perform as well their peers.

Finally, it lets States report on process rather than result. We had 64 seminars last year; we sent out 321 bulletins; we had 5,422 meetings. That is all data. It is performance data. It can be characterized as that, but it tells us nothing about whether these students are performing better than they were under the regular orthodox programs.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) are putting the school districts to the test and saying if they think they can do better, we will give them that opportunity with our money, with Federal money, but prove it; prove that they are doing better. Give us numbers, not words. Break it down by school districts, not in the aggregate State level. Tell us about groups of students, African American students, poor students, Hispanic students, female students, others that may have particular problems.

It requires States to talk about results, not processes.

If we are investing in a company and the chief financial officer of the company says we had a great year, we had six meetings of the board of directors, we added 12,000 new employees, we had a lot of new work on our employee manual this year, but does not tell us how much money they made, what their sales were, we would not invest in that company. This Ed-Flex bill, without the Miller-Kildee amendment, is an invitation for educational bureaucrats to blather us to death.

The Miller amendment says put your results where the money is. It will strengthen the Ed-Flex concept. It should be adopted because it demands those at the local level to give their very best to the children who depend on them.

This is a good bill that could be made much better with the adoption of the Miller-Kildee amendment. I urge both Republican and Democratic supporters of the bill to support this amendment as well.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that Ed-Flex is wonderful for Wisconsin, my home State, and for our country. Unfortunately, this amendment is anti-flexibility. As proponents of this amendment discuss, it demands local control, it demands our local school board members, our local educators, do what they do in Texas.

The law of Texas is great for Texas but the law of Wisconsin should be better for Wisconsin. I believe that we have to go down the road of having more flexibility for our local schools.

As I have talked to parents, school board members, educators and our superintendents, I ask them time and time again, what is it that we can do in Congress to help them educate our children best? They tell me the same thing: Cut the red tape. Give us the freedom to do what we know works best.

I was written by a constituent of mine, a guy named John Bechler, who is a very active member in our Kenosha School District. He is on the Kenosha Unified School District board, and I would like to quote a few things from

the letter from Mr. Bechler, our school board member. He said, "Did the Federal Government ever ask school districts what they needed most or did they just assume one approach fits all?"

The answer is no. They assumed that one approach fits all. I am concerned that even today Members from other States are attempting to dictate education policy for my district's public schools. This amendment seeks to dictate education policy from other States on to our local public schools.

Mr. Chairman, we cannot have bureaucrats in Washington or in other parts of the country blindly deciding that programs that work in Los Angeles or Detroit or even in Texas must also work in southern Wisconsin. This is simply not true.

John Bechler and his fellow school board members all across this country should be asked, what works? We should then let them make the decisions, and this very important piece of legislation begins the process of returning decision-making power to the local level.

John concluded in his letter to me saying that I would hope the Federal Government would allocate the education funds to the local school districts and allow the local school boards to determine what is the best use of funds to achieve quality education.

I could not agree more. Mr. Chairman, this is what educators throughout my district are saying. They are saying enough of the cookie-cutter, one-size-fits-all public relation driven education policies. This legislation gets us toward the movement of giving more flexibility to our local school districts.

This amendment is anti-flexibility. I applaud the efforts of the members of the committee to produce the amendment, but it does go against the grain. We need more local control. I believe that the educators in our local school districts know best how to solve the problems in our local school districts. After all, they are there on the front lines of the fight, improving our education standards.

I believe we should vote against this amendment and vote for the Ed-Flex bill. It is a move in the right direction.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to applaud the authors of the amendment, who I deeply respect, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE), and also to applaud their amendment.

I think that the gentleman from Delaware (Mr. CASTLE) and I already have much of what they are requiring in their amendment in our bill. I do not know how many times it has to be said, and then say it again, about assessments or measurement or account-

ability or termination, if it does not work. We do not need to get into the bureaucratic and legislative babble and blather that the people here are talking about not wanting to repeat. We do not want to get into that.

I applaud the authors of the amendment for the following reasons, because they are concerned with what we try to get at and is the very heart and soul of this legislation, and that is the nexus between increased flexibility and reliable accountability. We do not want to do that with new paperwork. We do not want to do that with handcuffing our local parents and teachers. We do not want to do that with more mandates coming from Washington. We want to do it by one rope of accountability to student achievement, and we want to be able to measure that student achievement.

Let me point out, first of all, before I get into some of their arguments, the legislation of myself and the gentleman from Delaware (Mr. CASTLE) is tougher than current law. We incorporate some of the recommendations from the GAO on eligibility, where we have changed to have this tougher eligibility from Goals 2000 to now Title I eligibility. We have tougher assessment tools than current law and we adopted tougher language in our committee on termination.

We do not want to go so far, Mr. Chairman, as to rip out the very flexibility that we are trying to extend to our States.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) talk about reliability assessments, and I agree with that. We need to have reliable assessments. On page 6 of the Castle-Roemer legislation, we talk about assessments, and I quote on lines 12 through line 19, developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and it goes on.

They talk in their amendment about being able to measure and get results on disaggregated data.

On page 10 of our bill, Mr. Chairman, we specifically talk about measuring. My good friend from New Jersey was talking about measuring these things, and we say on page 10, the State's objectives are, one, specific and measurable; two, measure, again measure, the performance of local educational agencies or schools and specific groups of students affected by waivers.

That is the disaggregated data. Those are the specific, different economic, racial, various groups of students that are going to be affected by this legislation and potentially by a waiver. We asked to have that measure.

Thirdly, we get at, on page 13, the termination; that after 2 years if you

have significantly declining scores one is terminated from the program and one has to reapply for a waiver.

Those are tough accountability standards, tougher than what we have in current law, but we do not want to overreach, Mr. Chairman. We do not want to take away the very flexibility that we are extending to the States when we say we want to give you added flexibility and we are going to hold you accountable to those students doing better in their classrooms.

I come back to the example of Maryland that I talked about in my opening statements. When they had that waiver authority for success for all, reading for all, schoolwide reform programs, scores went up in Kent County schools in Maryland. African-American scores went up in those schools.

So I think that the gentleman from Delaware (Mr. CASTLE) and I have really tried to craft this delicate nexus, this delicate and sensitive balance, between accountability for taxpayer dollars and increased flexibility to our States, and while I applaud the authors of the amendment, I would encourage us to stay with the underlying legislation and support this bipartisan bill.

Mr. ISAKSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, exactly 3 weeks ago tomorrow, I presided over my last board of education meeting as chairman of the State Board of Education of Georgia, so probably from a contemporary standpoint I am closest to the effects of this legislation and the proposed amendment than anyone.

I do oppose the amendment, but I oppose it because I think the previous speaker, the coauthors, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER), have done an outstanding job of ensuring that there is accountability without ensuring that the babble that was referred to that went from the local systems up does not also come from the Federal Government down.

In the final amendment that the committee adopted in the legislation, which was referred to by the previous speaker, there is the greatest accountability of all. That accountability is that if a system for two successive years is declining, their waiver is withdrawn.

□ 1615

Now, I understand school people about as well as anybody else. We spend \$5 billion State dollars a year in Georgia, and we appropriate it to local systems. I got appointed to the State Board of Education in a unique circumstance. The governor fired the entire board that he had appointed about 2 years prior to my service here. He did because they were fighting, they were raising accountability, they were micromanaging schools, and Georgia was hurting and Georgia was declining.

When he put in a new board, he asked us to do the following. He said, give them the chance to succeed or fail, just make sure if they fail, you take away the latitude that you have given them.

This legislation does not just require a waiver of Federal rules, it requires a waiver of State rules as well. No waiver can be granted from the Federal level if it is also granted at the State level. And if we understand how local boards of education work or how the system works, what in fact happens is a local board of education has to first approve the request before it goes to the State Board of Education and before the Federal Government approves it. Now, that is a lot of accountability. It is a lot of accountability for the merits of the request and the intent.

The last point I want to make is not that I am opposed to accountability by any measure; I am not. But I think the authors have ensured and the committee ensured that it was there.

I want to just for a second close with why flexibility is so important. Children are taught in classrooms by teachers, not by Congressmen, not by boards of education, not by State boards of education. Our children are uniquely different from Montana to Georgia, from California to Michigan. In the programs affected by this legislation from Title I to technology, there are differences as broad in my State from one end to the other as there are in your State to my State. We are opening the door, I think, to a great opportunity, and that is to challenge our States to do better and say we trust them, and if they fail, we will pull it away. There is no greater accountability, and there is no more greater testimony to where education really takes place than to grant flexibility back to where it all begins: in the classroom where a teacher deals with one child at a time, trying to build the future of our country through an improved education.

I urge the adoption of this bill, but not the adoption of this amendment. The authors have put in the accountability. The flexibility our systems need will bring about the progress all of us hope for.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Miller-Kildee amendment.

One thing should be very clear in this debate. Flexibility is not an end, it is a means to an end. I think some of my colleagues get so wrapped up in the notion of flexibility that they think that that is really the problem.

The problem is educational attainment. We got into this business because in the recent international tests, we found American students scoring below the international average, and we said we need to get serious about improving educational performance by all American students.

We are prepared to spend \$50 billion over the next 5 years to address this problem. But the issue is not just flexibility, the issue is also accountability. How can we assure that the money we spend actually results in improved performance?

Now, I am from one of the 12 States that had this experiment. I am from Maryland, and Maryland officials, the Superintendent of Schools for the State of Maryland supports the Miller-Kildee amendment, because we understand that we must have stringent accountability. Not just accountability in name, and not just accountability in rhetoric, but accountability with real teeth. There are several things that need to happen. There needs to be some specific assessment, goals and assessment vehicles. We use a set of tests in the third, fifth and eighth grade to accomplish this objective.

Now, I hear my colleagues saying, well, each State is different. That is true. We do not tell the State how to do it; what we tell the State is, you present us with a plan, your plan, for how you want to achieve these results, and I emphasize results. What are going to be your goals, and what are going to be your mechanisms.

Now, some people say, well, we can pull the plug in 2 years. Well, that could be 2 years of wasted money if we do not have stringent assessment tools, goals and mechanisms on the front end, and that is simply all the Miller amendment is saying, is that we need to be serious about accountability, because we are spending the taxpayers' dollars, not just for some elusive goal of flexibility, but for some real, tangible performance results.

Second, the Miller-Kildee amendment says that when we spend this money, it has to benefit all students, not just some students, or not just the overall aggregate. We need to know what black students are doing, what Hispanic students are doing, what poor students are doing, what female students are doing. It specifically says, you must aggregate your data so that even if your State is making progress, we want to see how female students are doing in math and science, we want to see how Latino students are doing in specific subject matters; are African-American students learning to read with the money the Federal Government is spending.

So this is not an outrageous or an intrusive amendment. It is a perfecting amendment that takes the concept of flexibility, which I support, and says, we need to get serious about flexibility.

I believe the Miller-Kildee amendment addresses these concerns in an effective, nondestructive way and I urge my colleagues to support this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Mr. Chairman, I would repeat one more time that if this amendment had been part of the Goals 2000 legislation, Maryland would not have been eligible to participate.

Mr. CUNNINGHAM. Mr. Chairman, I thank the chairman of the committee.

Mr. Chairman, this bill is about flexibility. We have had 40 years of bureaucratic control and union control of education. We are number 20, 20th in the world, for math and science. We are a Nation with the resources, more Ph.D.s, more technology, better technology than any other country in the world, but yet we are falling behind. We want to give the States and the local school districts the flexibility, not to tie them down.

When we talk about accountability, in the crux of this whole debate, the gentlewoman a minute ago said, we need to control how the dollars are spent. That is the whole issue. And their statement is, that they do not trust the States to account for the students that my colleague just talked about a minute ago. We do trust the States. We do trust the school districts. Because if anyone knows about an African-American student or a Hispanic student or young women or young men, it is the local teachers, the administrators, the community that knows, not a bureaucrat sitting here in Washington, D.C. And this is the heart of the debate: when we talk about accountability, look at why most of us fought against Goals 2000 when many on that side of the aisle tried to put government regulations in a well-meaning bill that was crafted before.

There were 24 "wills" in Goals 2000. It means to comply under legal language, and a special board in each school district had to look at the local Goals 2000 plan. It had to go to the superintendent. The superintendent had to send it back to the board. The board then sent it to Sacramento where there was a big bureaucracy. That big bureaucracy had to send that bill to Washington D.C. to the Department of Education. The bureaucracy there had the paperwork going back and forth, and that costs a lot of money and ties people up. And that means more wasteful government control in the name of "accountability." By contrast, we on this side of the aisle, just said, let us send the money to the States. Let them do a Goals 2000, without all of that paperwork, without all of that government control. Big difference, I say to my colleagues.

Look at charter schools. The NEA fought tooth and nail against charter schools, which are an attempt to take off many of the burdensome regulations. Charter schools have been a big success. Look in Washington, D.C. We fully funded charter schools, we fully

funded the public education system. We got another superintendent that wanted to make change, Arlene Ackerman. And guess what? We had 20,000 students beg to come to summer school in one of the worst school districts in the United States, because they wanted to learn, not because they had to, because we are trying to improve flexibility.

But let us look at other controls. We on this side of the aisle wanted to give flexibility to the States and in this case, Washington, D.C., under the President's goal to have more school construction. The gentleman and I talked about this the other night. If we want to give the State flexibility, let them waive Davis-Bacon, which costs 30 to 35 percent more for school construction. Let the unions compete with private contractors, and let the schools save the 30 percent for other construction or to upgrade their schools. But no, there are some here that want the union control, the government control. That's wrong. That is why we are opposed to this amendment. That is why we are opposed to all of these amendments. We want the flexibility to go forward with it.

I have 3 school board members that came to me along with 3 superintendents. They went to school for 8 days to see if they are in compliance just with the Federal regulations, not even the State regulations. They are going to get audited. Five phone books of regulations. They had to hire a lawyer. It costs \$130,000 to see if they are in compliance. That is what we are trying to get rid of, I say to my colleagues. We want the schools to be able to have the flexibility to do it better.

Look at Alan Bersin, a Clinton appointee, now Superintendent of San Diego City Schools. I am going to help Alan Bersin because he is sitting in there trying to clean up San Diego city schools. Look at Gray Davis, the new governor of California. He is trying to identify the schools that are not working within California. He has a big job, but I am going to do everything I can to help Gray Davis. But Federal regulations and the unions are trying to stop him. He wants to support the principals, make them the captain of their ship, so that they can fire or get rid of people that they do not think are performing. But do my colleagues know who is stopping that? Federal regulations and bureaucracy.

Alan Bersin said, his number one problem is special education because of the regulations that are killing the schools. Trial lawyers are ripping off the money, just like they did in the Superfund, and he cannot change it. He is having a difficult time, and we need to help him.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, men like Gray Davis, our new governor, and Alan Bersin in San Diego, are trying to do the right things and get through the bureaucracy and get more flexibility into the school system. We need to support them.

I heard the word "bipartisan." The President will sign this bill as it is, and the saying is, "if it ain't broke, don't fix it." Because by "fixing it," in the way some on the other side want, we are going to increase the Federal regulations in the name of "accountability." We do not want to do that. We want to help these kids. Let us go forward and let us do a good job.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

I think the gentleman who has just spoken and all of the people in this room will agree with me that at least 90 percent, or more than 90 percent of the funds we use to run our public schools with are State and local controlled. We are talking about less than 10 percent of the total funds. We are talking about flexibility on less than 10 percent of what we use to run our schools with, and if we have 10 percent of the funding by the Federal Government, it means the Federal Government only has about 10 percent of the control, if there is any control at all.

So the American people should understand that the whole flexibility argument is based on a phoney hypothesis. Our schools are in bad trouble, bad shape. We are 20th in the international arena because the States and the localities have not done a good job, and the Federal Government wants to participate. They only want to participate. They are not willing to put up even 10 percent. It is less than 10 percent participation. What we are talking about here is an attempt to destroy the Federal Government's role totally. We are back to where we were in 1995 with a call to abolish the Department of Education. It is just another approach. It is a more sanitized approach to destroying the Federal role in education.

The New York Times today has said what I said in the committee. They said it in much more succinct terms. The wise thing to do, this is an editorial of March 10, today, the wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire elementary and secondary education act.

What we are doing here is stampeding. Education, there is an emergency in America on education. It deserves a serious response from Congress. What we are doing here is not a serious response. This is a stampede to push us into a political posture. We want to open the door for block grants. That is what we are doing today.

□ 1630

It is trivializing the legislative process, because we have on our agenda for

this year the reauthorization of the Elementary and Secondary Education Act of 1965. That is on our agenda. Why can we not wait, as the New York Times says we should, and I agree? Why can we not wait?

The New York Times editorial also says, "The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do." Correct.

The New York Times starts its editorial with the following: "The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing states to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts, which have traditionally been underfinanced by the states and cities even though they bear the burden of teaching the least prepared students."

Why did the Federal Government get involved in education? Lyndon Johnson, what was his argument when he started the Elementary and Secondary Education Act of 1965? That we would help the poorest students in the poorest districts.

What Ed-Flex does is provide money for greedy Governors who have shown by the way they have handled the welfare reform money that they do not intend to spend money for exactly what it is intended for, they want to have the freedom to use it in various ways that do not necessarily focus on the poorest people for which the funds are intended.

We have a continuation of an effort to destroy the Federal partnership. The Federal Government only wants a role. We want to make certain that the national security, the national interests, are protected by having the most educated populace we can have.

What the majority in this Congress is seeking to do is what they sought to do in 1995, get rid of the Federal influence. It is only a tiny influence. The American people should understand that we are talking about less than 10 percent funding, less than 10 percent control. The States and the local governments are in control, and they have all that flexibility with the 90 percent of the funding that they put up. They have maximum flexibility.

With all that flexibility, they have not been able to keep up with the demands for modern education. The Federal Government needs to be involved because education is our primary means of guaranteeing the national security. We have a Navy which floated an aircraft carrier, and could not find enough personnel to run the high-tech carrier because they were not avail-

able. We need an educated population. We cannot leave it up to the States. They have not done a good job. The States should at least be willing to partner with the Federal Government.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to remind everyone that the law says that at the local level, they will use the money for the most educationally disadvantaged youngsters.

Mr. HAYES. Mr. Chairman, I rise to speak in opposition to the amendment. I move against this amendment, I am in opposition to it and I vigorously want to oppose it, not because I doubt the sincerity or intent of the message. My good friend, the gentleman from New York (Mr. MAJOR OWENS) has spoken very eloquently about his beliefs.

But I would simply ask that Members not confuse the idea of accountability with Federal mandates and government control. The Education Flexibility Partnership Act of 1999 provides our teachers and our local school systems the things that they need, that flexibility within accountability to provide the education.

As I travel through my districts in North Carolina, and I have to be careful not to go back through my own career in public education, which was delightful, so delightful I probably did not achieve as high marks as I should, but I remember those principals and those teachers that worked from morning until night to give me the chance to learn about math, about science.

I think of Jessie Blackwelder in Concord, who took over a school that was suffering real problems. She got on the phone and called me up. She said, get a couple of dump trucks over here. We need to clean this place up. She started calling parents. She said, we need books. We need help. We need new desks. We need you over here. We need local support. We need those of you who know this community and these students to pour out your heart and soul into our education system.

What keeps this from happening so many times is the Federal Government, with more mandates shutting down this creativity, shutting down this support, this enthusiasm, this involvement between parents, teachers, grandparents, school boards, and those that are empowered and entrusted.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, could the gentleman give us one example of what he means by the Federal Government interfering with one's ability to be flexible with parents and run the schools?

Mr. HAYES. Mr. Chairman, it has been my experience as a legislator in North Carolina, and one who has run Statewide, that each time I move into a district, regardless of whether it is the east or west, time and time again a Federal mandate for paperwork, to make it in the simplest terms, takes away from that classroom teacher's time that she could be spending with her children to fill out forms and endless paperwork. This is one of the clearest examples.

Mr. OWENS. I would ask the gentleman, classroom teachers do paperwork?

Mr. HAYES. Yes, sir.

Mr. OWENS. Classroom teachers do the paperwork for the grants?

Mr. HAYES. Classroom teachers, superintendents, principals. It is just too much of their time that is spent meeting Federal requirements which are not productive, and I think this bill does a fabulous job of giving them their time back to spend it in their classrooms with the children.

Mr. OWENS. Mr. Chairman, if the gentleman will continue to yield, it is not a question of flexibility, it is a question that we need more paperwork reduction.

Mr. HAYES. I have lost the gentleman's train of thought, but I appreciate the gentleman rising to talk about that.

Mr. Chairman, my point is that accountability flows from local involvement. Accountability comes from parents and teachers and school boards being involved. It does not come from the Federal Government imposing itself upon our local education system.

Again, I oppose this amendment. I vigorously support the Education Flexibility partnership. It is a commonsense proposal that will help stop the one-size-fits-all mentality that comes from Washington and the Federal Government. The bill addresses the basic fact that what works in New York City unfortunately does not always work in Rockingham, North Carolina.

Our Nation's future rests on the quality of education that our children receive. There is nothing we can do in this Congress that is more important than ensuring the quality of education in our public school system.

Mr. Chairman, I have spent a lot of time listening to parents and teachers in the Eighth District of North Carolina. What I have learned from these conversations is that the best new ideas and innovations come from the districts, and not from Washington. Unfortunately, it is the Washington bureaucracy that stifles the creativity at the local level.

Mr. Chairman, we have before us today a bill that helps cut the Federal red tape which hinders excellence in public education. This amendment works against the Ed-Flex bill, requiring more Federal mandates for local education.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. HAYES) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. HAYES was allowed to proceed for 2 additional minutes.)

Mr. HAYES. Mr. Chairman, the American people know that Republicans and Democrats have some differences on the issue. They accept that. But what they do not understand is why we do not move forward on the issues when we do agree.

The Education Flexibility Partnership Act of 1999 has the support and the endorsement of all 50 Governors, Republicans and Democrats alike, from all areas of the Nation. Mr. Chairman, it is time we passed this bill. It was intended to empower the people who are the true innovators in public education, our local folks, our parents, our teachers.

Do not let those who are opposed to this flexibility speak out and hurt this great bill. Join me in a strong vote of confidence for our parents and teachers. Support the Education Flexibility Partnership Act of 1999 and oppose this amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I know the gentleman wanted to tell his friend, the gentleman from New York City (Mr. OWENS) that the great mandate that the gentleman really wants to tell him about, which is a 100 percent mandate, which destroys his school district from hiring new teachers, destroys his school district from reducing class size, destroys his school district from building new buildings, destroys his school district from maintaining the existing buildings, is the 100 percent mandate from Washington, D.C. called, called "special education."

That is the mandate that the gentleman wants to tell the gentleman from New York City about, because oh, my, if he got that 40 percent of excess costs, he could do anything under the sun in his district. He would get millions of dollars. He would get \$1 billion or more every year. That is all he needs.

Mr. HAYES. Mr. Chairman, I just did not want to be that hard on my good friend, the gentleman from New York.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the course of this debate I have wondered exactly where I was; whether we were really debating the reality.

I rise in support of the Miller-Kildee amendment. I believe it strengthens the basic legislation. I do not feel enacting H.R. 800 is necessary, but I believe that the Congress is probably hellbent in moving in that direction,

and if we are going to do it, then it seems to me that accepting the Miller-Kildee amendment would signal to this country that we are not prepared to abandon the very core necessity for title I, ESEA.

I happen to be one of the few legislators here who served in 1965, when the great debate on how Federal aid to education was going to be provided to our communities and our States, led to Congress enacting P.L. 89-10. It was preceded by 25 years of agonizing debate on how to structure this kind of federal assistance to our public school systems.

From that time to now we are still struggling with this issue with mounting frustration coupled with our agony that our school systems still cannot produce quality education where all of our children achieve, based upon reasonable standards and assessments, which must be a part of any legislation we accept.

PL 89-10, which is Title I of ESEA is part of this Ed-Flex legislation. Title I is geared to the idea that the very poor in our society live in districts that cannot afford to educate their children as they are able to in wealthier, richer districts in our country. We need to understand that the strength of this Nation, indeed our national security, is dependent upon lifting the educational performance of all children, wherever they live, whatever their economic background. And if we do this as a Nation, we rise and we achieve, and our society can accomplish all of the complex exercises that we have to engage in in order to prosper as a Nation, to be the leader of the world. So we fashioned Title I.

I want this body to understand that the Title I allocation of funds is based upon a head count, a census, a determination of where the poor children are located. We have a count that is provided to the Federal Government, and based upon this head count of poor children, of the poverty children of America, a formula is created and the money is distributed to the States and local agencies based on the number of poor children that live in a school district.

This money belongs to the poor in these communities. It belongs to the poor children in our communities. We have no right to count the poor children in this country, base a formula for distribution on the poor, and then when it comes time to determine how to spend this money, which is based upon a computation and calculation of these poor children, allocate it in ways that are flexible and could exclude the poor. This is pure manipulation, exploitation of the children for whom this legislation was designed. That is my basic difficulty with the legislation that is now called "flexibility".

We want to be flexible. We do not want to engineer all this heavy bu-

reaucracy on the local communities. But remember, the Federal funds are something less than 7 or 8 percent of the total amount that is spent in our school districts. Ninety-three percent of the funding for education in our school systems is locally raised by the local communities or by the States. The Federal Government only puts in 7 or 8 percent. There is no monstrous bureaucracy here engineering the public educational system to the detriment of our children. It is a small contribution, and because it is so small, the Congress is determined to make sure that that small amount is spent for the benefit of the poor children for whom it was legislated. That is the heart of this debate.

The Miller-Kildee amendment says before we waive requirements to direct the money to the poorest of these communities, let us make sure that the States come up with a plan that sets down the assessments, the criteria for achieving these goals, so that in the end, these States can come forward and say, the poorest of our children benefited. Their test scores must show this. These assessments by our impartial entities must determine that the poor have actually benefited.

That is all that we are doing under the Kildee-Miller amendment, and I urge this House to accept it before enacting a bill that nullifies the purpose of Title I.

□ 1645

Mr. FORBES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I just want to remind the gentlewoman from Hawaii (Mrs. MINK), and she knows this, yes, the money does go down based on poverty. However, when the money gets to the schoolhouse, it is based upon educationally disadvantaged. That is what the law says.

I would ask the same question that the gentleman from California (Mr. MILLER) asked several times in committee, only I would say it a little differently. He has said over and over again, "What have the taxpayers gotten for \$120 billion? We should know." I say, "What did the children that we wanted to help the most get for that \$120 billion?" That is the question.

Mr. FORBES. Mr. Chairman, reclaiming my time, I rise reluctantly but necessarily in opposition to the Miller-Kildee amendment. I believe that this amendment would be a killer amendment and would underscore, unfortunately, the loss of this great Ed-Flex legislation. The President has suggested that he supports Ed-Flex. The 50 governors have suggested they support

Ed-Flex. I think we should not mix apples and oranges on this occasion.

Frankly, there are going to be many opportunities for those of us who want to see education and the fixing of what I believe is the despair in our schools, fixing of the problems in our schools.

We are going to be dealing with the reauthorization of the Elementary and Secondary Schools Act, and I think, at that time, we have a great opportunity to stand up for smaller class, to stand up for construction and doing away with some of the overcrowded conditions, to stand up for voluntary testing.

I happen to support all of those worthy goals because I believe there is no greater issue, no greater issue facing the American people and us as problem solvers, as legislators, than making sure that our children are adequately prepared for the 21st Century.

Our praise in the world depend on adequate education for our children. Unfortunately, our schools are in disrepair and despair. They are in despair because we are seeing, for example, in this great sophisticated age, this Internet age, that more and more of our kids, particularly in the inner cities, are not getting the kind of education that they need because they are coming from poor districts, from districts that do not have the wealth to meet these challenges.

So I believe that Ed-Flex is a very good piece of legislation. It needs to be passed but unencumbered at this point by some of the other worthy goals that we talk about here.

So I would urge my colleagues to think long and hard. If we do nothing else in the 106th Congress, I would implore my colleagues, let us dedicate ourselves to this most pressing problem, the problem where our children are not learning, despite in places like my own suburban Long Island districts where we are spending more money than we have ever spent.

The scores are down. They are lower than they have ever been. SAT scores are down. Why? Because we are not doing in our classrooms what we need to be doing.

So I would hope that Congress, which understandably wrests local authority, the States and local authorities must have policy-making, decision-making authority that should never be compromised. But we in Washington should do a greater job of standing by those schools. Yes, we have got 7 percent of national effort helping our local schools, over \$120 billion.

But let us deal with some of the most outstanding problems, like the idea of special education. We mandate upon the school districts that they deal with special education, that they fully fund it. But we in Washington are not sending the dollars. We are sending a very embarrassing proportion of those dollars.

The first thing we ought to do as a Congress, 100 percent of funding should come from Washington, because 100 percent of the mandate comes from Washington. That is absolutely necessary. We need to do that if we are going to provide for our schools.

We also need to, as has been suggested here, address the size of our classrooms. We should do that but under another venue, as I have suggested. We have plenty of time in this Congress to do it.

But to sidetrack the Education Flexibility Partnership Act, a most important measure, a bipartisan measure authored by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) would be wrong.

So I would urge my colleagues, let us deal with these issues. Let us make the 106th Congress the place where we deal with these many problems. We assist the State and local governments in meeting the needs of our children, but let us not sidetrack Ed-Flex in that worthy goal.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Miller-Kildee amendment. I rise in support because it is about accountability. This amendment says that States must show the progress or the lack of progress that students are making from year to year. We are not telling local schools how. We are asking them what. What are the expected results? What are the measurement criteria?

The Miller-Kildee amendment requires States to show what they want their students to learn and how they will measure if the students are actually learning what they intended. In the State of Texas, this information will be broken down by race, gender, and income, giving special attention to the students who are the most at risk.

The funds that the Federal Government sends to the States and schools are, as many of us have said today, and I have heard it on the other side of the aisle, too, and I am grateful for that, these funds are not enough. I would like to work with the other side of the aisle to put together a plan to fully fund IDEA.

But whatever the funding, that funding is in place so that we will be clear that there will be outcomes. The use of Federal funds is in place to ensure that our children in America, all of our children, rich or poor, black, brown, or white, girl or boy, has access to a good quality education. I know this is what all of the supporters of Ed-Flex want. The Miller-Kildee amendment makes this possible.

We still do not really know what the effects of the demonstration programs will have on education. If we are going to extend waivers further, we must have accountability. We must measure

whether students are learning in schools. We must measure that Ed-Flex has reached the goal that States have intended. After all, in the end, is not the purpose of Ed-Flex and all of our education programs to enable our students to learn more?

Mr. Chairman, I want to vote for Ed-Flex, but do not ask me to without accountability. I cannot do it.

Mr. FLETCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. This amendment changes the accountability standards of H.R. 800, and it does it in such a way that it is so restrictive that really none of the States currently participating in the Ed-Flex program would be eligible for waivers under the Miller amendment. It also tells the States what their goals must be, again decreasing flexibility.

The following example is the requirements that are in the current Ed-Flex, and this puts exactly the kind of burden we need on schools and exactly the kind of accountability that we really need without going too far and returning to some of the old ways of doing things, the mandates that we have had for years that really have not produced the kind of progress that we really desire and I know all of us desire.

But there is monitoring required. Every year, States must monitor the activities of the local educational administrators. Schools receiving waivers must send an annual report to the Secretary. Two years after being designated as an Ed-Flex State, States must submit performance data as part of that report. After 3 years of being an Ed-Flex State, the U.S. Department of Education can terminate a State's Ed-Flex status after notice and opportunity for a hearing if it has failed to make measurable progress toward its stated goals.

Also, the local education agencies and the school district's waiver application must describe specific measurable goals for schools or groups of students affected by waivers and must be part of the local reform plan.

States can apply to be an Ed-Flex State for up to 5 years. When they re-apply for Ed-Flex status, the Secretary must review their progress toward meeting the objectives described in their application. So I think there is plenty of accountability in this bill.

Someone mentioned what the New York Times says and what they want to do, and they recommend a delay. Let me say this, my folks back home in Kentucky do not read the New York Times. I think they should be more concerned probably with the schools in New York City than they are necessarily about those across the Nation.

I have had the chance of visiting a lot of schools in the last few weeks, and I can think of two principals of elementary schools. One is Edwina Smith

and the other is Elaine Farris. They are in schools that deal with primarily a lot of low-income students, a lot of disadvantaged students.

When I talk to them, the teachers there, as well as the principals of these schools, and some of the superintendents in the districts, they want flexibility. They are tired of having mandates coming down without the funding.

Yes, maybe it is only 6 percent, but what have we done? We have spent \$118 billion in educational dollars over Title I the last 34 years. Yesterday, our 12th graders were out-performed in mathematics by their peers in 18 other countries. Sixty percent of our children in urban school districts failed basic tests on reading and math. Forty percent of our Nation's fourth graders fell below the basic reading level.

So I think we really need to look and say, the way we have done things in the past has failed. We do not need to return to that. I think that is what this amendment begins to do is to return to old, failed policies of government mandates, of 6 percent, the tail wagging the dog, 6 percent, dictating what is to be done back in our States.

Yet we have seen in those States that have exercised the flexibility given, which they would not have under this amendment, that they have increased the progress of minorities, of the economically challenged children.

So I think we need to oppose this amendment because it reduces flexibility and goes back to some policies that have failed in the past. It is a new day. I think we ought to start in new policies, in new ways, the flexibilities, things that are proven to work here recently, and give the opportunity of the flexibilities back to the State to take this progress further so that we can see these low-economic students achieve the kind of achievements that they can have to renew their hope and allow them to be all that they can be.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and rise in support of this legislation. I think we all can agree that local educators and parents are closest to our children and are closest to the impact that our policies are having in the elementary and secondary setting.

But here is another reality. When one goes to a bank to borrow money, particularly when one looks like me, the bank asks for a business plan or some other sources of income to determine if one can pay the loan back. Provided one puts forth a good plan, they will loan one the money.

Business people, when they own businesses and ask for money from shareholders and ask for investors to invest, they have to present a plan. If they are able to make a reasonable return on the person's investment or the inves-

tor's investment, they will continue to have folks invest in their plan.

What we are asking for here is even less. We are just asking for States to put up a plan. It does not have to necessarily be a cogent plan. But give us some sense of how they are going to go, what goals they are trying to achieve, some sense of how they are going to evaluate, how far they are coming, and where they would like to go.

That is all the Kildee-Miller amendment seeks to do. No new regulations, I say to the gentleman from California (Mr. CUNNINGHAM), my good friend. It does not strengthen the unions, I say to my good friends on the other side. It does not line the pockets of trial lawyers.

I have searched and searched and searched in the legislation for the last half an hour to an hour to find out how this legislation could line the pockets of trial lawyers, but I have yet to find out. But I am open to a conversation if some of my friends on that side can identify that.

We have paid a lot of lip service today to this notion of local control. We have paid a lot of lip service to this motion that the Federal Government somehow or another has come in and intruded and trampled and usurped the powers of our local school boards and local officials. Let us stop deluding ourselves.

We have heard speaker after speaker. The other side gets up and has speaker after speaker. Virtually all of the education policy setting authority in America rests with local authorities. One cannot deny it. It is a fact.

Ninety-four cents of every dollar raised and spent on local education on education is raised and spent at the local level. When one criticizes the Federal Government, and my good friend, the gentleman from Kentucky (Mr. FLETCHER), and I respect his comments about the New York Times, they do not read them in Memphis either, they read the Commercial Appeal, sometimes I wish they read the New York Times, but my friends in Memphis, those folks that are graduating, those seniors that are graduating who might have participated or benefitted from Title I funds, Mr. Chairman, what about the 94 cents that were spent on those children throughout their time in elementary and secondary schools. We have to blame everybody if we are going to begin to point fingers.

□ 1700

What Ed-Flex seeks to do is to give States the flexibility to make these decisions. But I think it is rational, I think it is sensible to ask them just to provide a plan as to how they are going to spend this money. If the local authorities and local school boards had all the answers, why are our schools falling down? Why are our kids dropping out of school? Why do the inter-

national math and science tests over and over and over again demonstrate our kids are failing?

We can argue all day, Democrat, Republican, unions, no unions, lawyers, no lawyers, but the people that are losing are our children. Sure, local educators and parents, give them the authority, but like my colleagues, when I go home, what my parents and teachers and local educators are saying we need to build new schools. We can debate how we are going to do it. Let local authorities decide that. Let us provide incentives for them to do it.

My colleagues cannot deny what this President has done, saying we will end social promotion, we will provide monies to school districts to hire new teachers and build new schools; if they close or address under-performing schools, more money to build new schools. That is what they do in the business community. That is what the Republican Party has been yelling year after year after year.

I am only in my second term, 28 years old. I watched the Republicans growing up. This is what the Republican Party has been talking about. This is the Republican mantra. Why abandon it now?

All we ask for is that these school districts be held accountable. If they do a good job, give them more money, I would say to my good friends, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Pennsylvania (Mr. GOODLING), the chairman. But if they do not, close them. That is what taxpayers want, that is what shareholders want, that is what we all expect.

All this partisan rancor, unions, lawyers, State authority, local authority, Federal authority. The national government has a role in how kids are being educated. These are our future workers, these are our future congresspeople, our future pastors, our future teachers. We have an obligation to ensure that kids are educated in Kentucky and Tennessee and New York and Delaware, I would say to the former governor, the gentleman from Delaware (Mr. CASTLE). All we want on this side, I think all we want in this body, is to ensure that Delaware is doing a good job, that Tennessee is doing a good job, Nevada, Texas, California, Michigan, New York. All we would like to do is see a plan.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MILLER) are absolutely right. This is not about black kids, white kids, or Hispanic kids. This is about children. This is about a new generation of Americans. We have an opportunity in this House to do something truly historic; reform Title I in a way that gives States that flexibility.

But understand, Ed-Flex is not going to solve all of our problems. We in this Congress must have the courage to do

the right thing, and I hope Democrat and Republican can find common ground.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has expired.

(On request of Mr. CASTLE, and by unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. FORD. Mr. Chairman, I would only hope we would do the right thing in this Congress. We have our differences. I heard someone stand up and say they want to support this bill because the President supports it. There was something the President supported a few months ago that the other side did not support, but I am glad to see we are on the same page on this one. So let us do what is right for the kids.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. My only question, Mr. Chairman, and I do not have a problem with anything the gentleman said, and he says it extremely well, I might add, at any age, but I go back to the original question I posed on this particular bill about an hour ago, and I do not know if the gentleman was on the floor, but I pose it again, and if the gentleman does not know the answer, somebody can answer over there at some point.

My view is, based on what our knowledge is, that if the Miller amendment passes, that we have only 21 States that have performance standards in place and we have no States that have their final assessments in place, and that means that no States will get education flexibility. That is the problem.

It is also true that in the year 2000 and 2001 all these things will be done under ESEA. I do not know how that can be repudiated. That is a fact, not a wandering statement. I would be curious to hear the gentleman's answer or anyone else's.

Mr. FORD. Mr. Chairman, reclaiming my time, my reading of it does not suggest that.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman wants to suggest that under his bill everyone is going to qualify. We know there are about 17 States that are prepared to go. If a State is going to do this right, let us not pretend like they are going to do it this school year. They will be making applications for 2000, 2001. That actually coincides with what we told them 5 years ago to be ready to do.

The fact is most of the States have not been ready because they thought they could slide by again. That is what this accountability is about saying

enough is enough, we have made a decision, and we now want standards of accountability that we can measure how the students are doing. So there is nothing inconsistent with that at all.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. The bottom line is that they have to do these things by 2000–2001 anyhow under ESEA, and the gentleman is moving up the time.

Mr. GEORGE MILLER of California. If the gentleman from Tennessee will continue to yield to me, under the gentleman's waiver they do not have to do it.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has again expired.

(By unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. The problem with the bill, and why we have the amendment, is that under the gentleman's they do not have to have it done, they have to make substantial progress toward it. They can have interim assessments, so we will not be able to judge how the progress is from year to year because we may have different assessments on that, and we are right back into all the excuses why we cannot finally find out how the children are doing, how they are progressing, and whether or not this investment is worth making or not. That is the difference.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. It is my understanding, Mr. Chairman, that under ESEA all the things the gentleman is talking about have to be in place by the school year 2000–2001 one.

Right now, although 17 schools may be ready for it, right now none have their final assessments in place, a lot of them do not have their standards in place. The gentleman is saying that they cannot have Ed-Flex at all.

We are saying Ed-Flex is a relatively simple bill. We have worked with the gentleman and put a lot more accountability in here than was in before, which the GAO report wanted, but now I think the gentleman is extending it to a level that none of us want to live up to.

I give the gentleman credit for a good presentation, but I was wondering if we really have to go forward with the amendment. I think this amendment would be counterproductive to those of us, including maybe the gentleman, who are supporting the underlying bill.

Mr. GEORGE MILLER of California. If the gentleman will continue to yield, it is not counterproductive at all. The question is are we going to fish and cut bait. We all talk about we do not want social promotion of children; I do not want social promotion of school districts in States that are not prepared to meet the standards. And the standards ought to be that they can tell us whether or not children are in fact making advancement and on achievement and meeting the goals of that State and whether they are not.

So far what we have found out from the pilot program, we have not learned from the pilot program, is that essentially 8 out of the 10 States could not tell us that. Could not tell us that.

Mr. FORD. Reclaiming my time, Mr. Chairman, I thank both the gentlemen. I would just close by simply saying that I hope perhaps we can work this out in the interim here. And I would hope if we cannot, I say to the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. MILLER), I do not think anything is wrong with asking these local school districts that want this authority to rise up to the occasion and to be able to live up to these standards today.

I would close by merely saying to all my colleagues in the Congress, particularly on the majority side, the \$100 billion infrastructure problem we have in America, the Federal Government did not cause that problem; the 2 million teacher shortage we have in America, the Federal Government did not cause that problem. Let us work together to get the job done. Support the Miller-Kildee amendment.

Mr. DEMINT. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DEMINT. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I tell my friend from Tennessee that there is no question if they did not require a plan, if Castle-Roemer did not require a plan, I would not support it. If they did not meet what the GAO said they needed to meet, I would not support it.

And when the gentleman says if they do not produce, kick them out, that is what the legislation says. They have 2 years to show, and they better show. They better produce. And then at the end of 5 years, this secretary down here says, they are out.

So everything that the gentleman wanted in the bill is in the bill, and that is why I can support the bill.

Mr. DEMINT. Reclaiming my time, Mr. Chairman, I rise to speak against the amendment as well. Ed-Flex is a great bill, and the amendment takes the flex out of the whole bill.

This bill does what I think we have been talking about for years. It begins to take dollars, decisions and freedom

out of this House and moves it back to houses in our districts. It restores freedom. To me, this bill, flexibility, means more freedom, and I believe that the true accountability comes to teachers and parents and local communities.

Last week I had the opportunity to help present an unprecedented fourth national blue ribbon award to Spartanburg High School in South Carolina. This is the only school in America that has won this four times. So my discussions with the principal, administrators and teachers were very interesting to me, because it seems the Federal regulations that we think are helping to build our schools are, to them, just obstacles that they have to dance around to do what they know really works.

When I talked to the superintendent, he said, quit funding 5 percent of these programs and demanding 100 percent of the control. We have talked about the fact that it is just 10 percent, and that is right, over 90 percent of the funding for these schools comes from local school districts. But when we tie them up with the type of amendment we are talking about today, this type of control invades all aspects of our public school system.

I had a chance to visit Berea Elementary School in Greenville, South Carolina. They had a brand new school. They do not want the Federal Government to build them a new school; they want some new technology. But we will not know what they need from here.

I had a chance to walk up the steps with the class from Berea on my way in here today. They are probably watching what we are doing right now. They know that we cannot manage their school from here, and after meeting their principal, I am glad that Ed-Flex will help to keep us from trying.

I also visited an elementary school that had an old building but plenty of teachers. We cannot decide for them that they need more teachers when they need something else.

I have a son who was playing on a JV basketball team in a public high school. They practiced for about 2 months, but then they had to cancel their game because the girls JV team had not been able to schedule enough games to match theirs and they were afraid of Federal regulation. It is just a little bit, but it invades every aspect of management.

I have learned as a quality consultant that one of the biggest obstacles to quality improvement, that we talk about here for education, comes from multiple levels of authority. There is no way we will ever have quality education in America with local control, State control, and Federal control. This bill recognizes that we need to send dollars, decisions and freedom back to the people who are truly accountable.

It is really a little insulting, I think, to think that we are more accountable here than governors and mayors and county councils and school boards. Actually, we are a lot less accountable because we can hide here away from them and they cannot blame any one of us. We are not talking about accountability with this amendment, we are talking about control, control that we need to relinquish.

I have to take special exception to this idea that our local governments and our States have not done a good job with education. If we track education and our test scores since the Federal Government got involved in the 1970s, there is a direct relationship to the fall of our test scores and the increase in funding from the Federal Government. With every dollar we send them, we send more control.

In my State, about 50 percent of the paperwork has to match only about 5 to 7 percent of the funding.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. DEMINT) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. DEMINT was allowed to proceed for 2 additional minutes.)

Mr. DEMINT. Mr. Chairman, in my State they tell me, with only about 6 to 7 percent of their funding coming from the Federal Government, that the Federal regulations count for about 50 percent of the paperwork. This is what we are trying to do away with, and adding regulation, restrictions and more reports to this bill is not going to help.

The real threat to our education system is coming from us, because the innovation, the trials are being hindered by them trying to keep up with our paperwork and our regulation. I believe that we can secure the future of every child in America if we recognize that freedom does work when it is in the hands of parents and teachers and local communities; when we give more local control.

This bill has the accountability that we need to make sure that we have the plans to match the Federal dollars, but it does not have control that is out of proportion to the funding that we are sending back to the States. I hope all of us will think and vote against this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment, and I do so because I believe that we must try and create equal educational opportunity. We must try and make education available for all of the Nation's children, no matter where they live, no matter where they come from, and no matter who they are.

Mr. Chairman, 80 percent of the schools in the City of Chicago's public school system receive and use title I

funds to support the educational needs of disadvantaged children. This means that 80 percent of the schools in the Chicago public school system have over 50 percent of their children from low-income families. We have a responsibility to ensure that these children, that each and every one of them have the greatest amount of educational opportunity that we can provide from all levels of government, whether it be State, local or Federal. That is why I cannot support the Ed-Flex bill as it is.

□ 1715

Ed-Flex in its current form lacks the efficiency and accountability needed to protect what took decades to correct. The Ed-Flex bill will allow local school authorities to redirect funds from special educational programs as well as dismantle professional development for teachers. In fact, this bill may exempt schools and districts from complying with Federal standards that have been set for student performance.

I am aware, Mr. Chairman, that there have been 12 demonstration programs, and yes, my State, the State of Illinois, is one of them. However, these States have not been totally examined. Therefore, I am not sure that all the potential implications of a nationwide expansion are really known.

Mr. Chairman, it is the responsibility of this Congress as we approach a new millennium to ensure that our Nation's children are educated with whatever resources are needed. And so I call upon us to build a new era of equality for all Americans, an era where African Americans, Latinos, poor children, Native Americans and other minorities who have long lived with the highest poverty schools and in the highest poverty communities will have guaranteed access to resources to try and catch up, to try and come from behind, to try and realize the potential that they have, to try and know that before resources that perhaps are not as greatly needed are put in other places and in other areas, that they would have access to those resources.

And so I appreciate the concept of flexibility. I appreciate the latitude that teachers, principals, and administrators need in order to do the work that they have set out to do. But I do not believe at this time that we can risk these greatly needed resources missing their mark. Therefore, I would urge all of us to vote in favor of the Kildee-Miller amendment.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding. The gentleman from Delaware (Mr. CASTLE) has mentioned that under the Miller-Kildee amendment certain districts would not qualify. But those districts who do not meet the requirements of the Miller-Kildee amendment by the school year 2000 do not

lose their Federal dollars. They only fail to achieve that flexibility which must be linked to accountability. There is no loss of Federal dollars at all, but we say if you are going to have flexibility, we have to have accountability. The Kildee-Miller amendment does not penalize them by taking away their Federal dollars, it merely does not give them the flexibility unless there is a nexus with accountability.

Mr. DAVIS of Illinois. Flexibility and accountability must go hand in hand.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to make sure that everybody understands. Nobody said anybody loses money. What we said is you lose the opportunity to participate. That is what you lose. You do not lose money. No one ever said you lose money. You lose the opportunity to participate. That is what you lose.

Mr. TANCREDO. Mr. Chairman, I rise to speak in opposition to this amendment, as if it were passed we would have to change the name of the Ed-Flex bill to the Education Inflexibility bill because, of course, that is exactly what happens here.

I was a former public school teacher, I was the regional director for the U.S. Department of Education for 11½ years, and I have certainly experienced firsthand the Federal Government's bureaucratic overregulation of our country's educational system.

While I was with the U.S. Department of Education, we published a document called "What Works" in which we identified all of the activities, all of the programs that apparently had some positive impact on the educational experience of children. What we also could have done, however, is write another book that was called "What Doesn't Work." We could have identified the hundreds of elementary and secondary education programs at the Federal and State level, thousands of Federal program administrators and State agencies, millions of hours of paperwork requirements produced by the Department every year. We could have identified all of those things as being examples of what does not work and we could have pointed to all of the children who had not learned as a result of all of this bureaucratic intervention.

We know what does not work. It is fascinating to me, because I have been a strong supporter of school choice programs, including vouchers and tuition tax credits. I have said what the gentleman from Tennessee said a little bit ago. I was astounded, as a matter of fact, to hear the gentleman from Tennessee use this very language when he said that he wants schools to either do

a good job or be closed. Public schools, he was talking about. He wanted to see that kind of accountability. He wanted to make sure that if they were not operating and actually producing the kind of educational experience that would be best for the kids, that they would close. Those were his words. Great words. Absolutely accurate words.

Mr. Chairman, that is one of the reasons why I can support this Education Flexibility Act and oppose this amendment, because in fact there are a lot of things happening around the country today that do give pause to public school administrators and teachers in the realm of choice because we now know what works, we now know that charter schools and giving parents the ability to make selections from a wide variety of educational opportunities works. We know that works. And so there is accountability in the public school system today. The only reason why we are seeing as much concern expressed on the part of public school administrators today is because in fact there is a little more choice in the system. So I certainly support the concept of choice, and I support the ability of schools to make a lot of decisions here because in fact there are consequences if they do not make those correct decisions. Children do go other places. That is okay. We can watch and see what exactly is going to happen here. I certainly hope that we do not pass the Miller-Kildee amendment as it will, as I say, change the whole concept of this bill to the Education Inflexibility Act.

Mr. GOODLING. Mr. Chairman, if the gentleman will yield further, I just wanted to mention in relationship to Chicago, for instance, the beauty of what is happening there, if they are going to be successful, is the fact the State said, "Hey, all these years you have failed the children in Chicago. Now, Mr. Mayor, you take over. Forget the State regs, forget all these things. You take over." They did not say, "You must have in place everything you are going to do, Chicago," because, of course, this was all new to them. But they are putting everything in place. And from everything we can gather, what they are doing is helping children. All these years they did not help children in Chicago. And so the State said, "Forget us. Forget these regs. Make it work. Make it work your way, but we want the children to learn, to do better," and it appears that they are having success. Flexibility is what they gave them.

Mr. TANCREDO. Also, Mr. Chairman, let me say that it has been my experience that for ages now we have been debating whether or not we should have any confidence in the local administrator, in our local schools, in the local teachers who confront our children every single day. Really what this bill does is it tests that theory.

My friends on the other side of the aisle, I know, believe that people in the system are doing their level best, that everybody is trying as hard as they possibly can.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. TANCREDO) has expired.

(By unanimous consent, Mr. TANCREDO was allowed to proceed for 2 additional minutes.)

Mr. TANCREDO. Does anyone really believe that a majority of the teachers out there, a majority of administrators out there today are looking for ways around doing a good job? That they are trying to figure out what they can possibly do not to have children succeed? In fact, we know that is not true, that in most cases, in 90 percent or more certainly of the cases out there, everybody is working as hard as they possibly can to make sure that children learn.

Something is wrong in the system. We are going to give people the ability to address those problems and come back to us and say, "Here is how we can make this work. You gave us the freedom, here is now what we have been able to show as the success." That is all we are suggesting happen here, give them the freedom to make this thing work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it really amazes me that there is more in common with our commitment to education than maybe the voices on this floor would seem to acknowledge.

I applaud the Miller-Kildee amendment, and I believe that if we were to pause for a moment, we would find more opportunity to agree to this amendment and to have this amendment passed and to move on to do what is best for our children.

Let me simply say to the parents of America, and ask the question whether you would agree or disagree, and the children, with this very simple proposition. The Miller-Kildee amendment simply says that if we are going to waive requirements issued by the Federal Government on educational excellence, then the States must have in place a viable plan for how student achievement will be assessed. Nothing more, nothing less. It simply says that if you are going to move forward to change requirements to enhance the educational standards of our children, tell us how you will still maintain student achievement.

Everybody seems to get it. I do not know why some do not. The New York Times said that the Miller-Kildee amendment provides the answer to the threat of impoverished schools. What it says is that simply there is a gap between affluent and disadvantaged children and it is a challenge in the American education system to bridge that

gap. This amendment to what we have all come to accept as a reasonable understanding of the educational leaders of our respective States, that they do know education, I do have a degree of confidence in what they do, but what is wrong with maintaining the fact that they must be accountable?

I am somewhat puzzled again about this whole accusation against the Federal Government, that it should not be in education. I agree it should be a partner, not someone who dictates to our local communities. But I am gratified that the Federal Government moved into this whole idea of the educational realm in looking at math and science issues and saying that we needed more money to provide for professional development for our teachers, for Title IX when there was a discussion about parity between boys and girls and providing dollars to ensure that boys and girls had equal athletic opportunities and other opportunities. What is wrong with that?

And might I simply say, in a time in our country where many went to segregated schools, unequal schools, I am gratified for the, if you will, involvement of the Federal Government. It is interesting to note that the Federal funds are only 8 percent. However, in underprivileged and rural communities, Federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must ensure that those moneys continue to go to those school districts in a manner that helps those students achieve. There is no accusation to my friends on the other side of the aisle. But there is a recognition that there is nothing wrong with the amendment that says be accountable, prove to us if you do a waiver that you will in fact be doing the right thing for our children.

Let me say, finally, my home State of Texas has been very successful in implementing the Ed-Flex program, but it has adopted rigorous standards that makes sure that all students, including minority and economically disadvantaged students, rural students, urban students, receive the benefit of Federal funds. For instance, Texas school districts that waive Federal regulations must still show that 90 percent of the African-American students, 90 percent of the Hispanic students and 90 percent of the economically disadvantaged, that means all of those who find themselves in a position where they have to go over a hurdle to learn, they must show that those students are improving in their studies.

I would say, Mr. Chairman, we have an opportunity to show America that we can work together. The Miller-Kildee amendment clearly says that all we want is accountability.

Mr. Chairman, I would like to ask the gentleman from Michigan (Mr. KILDEE) a question, if I could. There was a comment made that this is an inflexi-

ble amendment, that his amendment is inflexible, and I believe that this gives more flexibility. To me it provides flexibility to the extent that it helps us be accountable.

Mr. KILDEE. If the gentlewoman will yield, I think it is a reasonable amendment. The amendment really is patterned basically on the structure that Texas put into place. Texas is the most successful State so far. We were just asking them, if we are going to give them that flexibility, which we will give them, we are not going to deprive them of their money, that they have to have some accountability. Texas was willing to give that accountability. I think our flexibility amendment is very flexible.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, the proof is in the pudding. This is a good amendment and we need to pass it.

I rise in support of this Amendment, which requires that state and local school districts that are able to obtain waivers under this bill must closely monitor their students to make sure that at-risk populations are continuing to achieve academically.

This amendment substantially improves this bill, because it prohibits school districts from taking the additional discretion given to them under the Ed-Flex program, and using it to further disadvantage children from minority and lower-income families.

Federal funds are scarce and highly sought after by the states, but they make up only 8% of all education spending. However, in underprivileged and rural communities, federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must make sure that if federal funding is to be had, that it should be used to benefit all students, and not just a select few.

Federal funds often help finance necessary supplemental programs that substantially improve the quality of education in all regions of the country. These supplemental services include remedial math and reading classes, and career counseling. All schools need these services, and this amendment guarantees that all schools will receive them.

My home State of Texas has been very successful in implementing Flex-Ed because the State has adopted rigorous standards that make sure that all students, including minority and economically disadvantaged students, receive the benefit of federal funds. For instance, Texas school districts that waive federal regulations must still show that 90% of the African-American students, 90% of their Hispanic students, and 90% of the economically-disadvantaged students are improving in their studies.

This type of self-imposed criteria should be lauded, and hopefully they will be emulated by all the 50 states if this bill is passed. However, because we cannot rely on each state to do so, this amendment is necessary if we are to pass H.R. 800. I hope that you will all support it.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Kildee-Miller amendment. But I

wanted to say at the very beginning that I have known both of those gentlemen for many years as a staffer and as a Member and while we may have disagreements as to how to implement education policy, never in my career as a staffer or a Member have I ever seen Members more committed to the interest of kids than the two authors of this amendment.

□ 1730

I disagree with how they do that, and I think that sometimes they want to do what is best not only for their own kids, but other kids, but their heart is right, and it is important when we are debating things to understand those fundamental principles that one can disagree and still want to have what is best for education.

This is not just about process. This is about what is the best way to educate the kids in America, and is it best through the Federal Government or moving it closer to the parents?

But I want to go through this amendment in particular.

In the third clause it says the assessment information is disaggregated by race, and ethnicity, sex, English proficiency status, migrant status and social economic status for the State, each local education agency in each school unless it does not meet the statistical reliable information level.

Now it is important here, as we have been arguing whether this is flexible or inflexible, but let us just think about all these different standards: race, ethnicity, sex, English proficiency, migrant status and social economic status. Now I understand the value of accountability, and I understand about the value of having information. But here we are not block granting everything; it is only within the limits of small changes within certain programs. After all, this is a bill backed by every Governor and by the President of the United States.

In Indiana terms, it is an itty-bitty flexibility. It is not a flexibility like this or a big light. It is a little tiny flexibility, and there becomes a question of proportionality here because there is lots of information that we would like to have that would be useful. I, for example, would like to have family composition information. I think it would be helpful to know how kids are doing in two-parent families, single-parent families. We all know that children of divorce, particularly in those first periods, have a decline in educational standards. Why not have a report to see what the kids are doing there?

How about mobility? Nobody has ever visited an urban school where they are having trouble with their test scores, or even suburban schools, but particularly highlighted in urban schools where kids are moving between these different schools. Often they will

move four times in a given year. Maybe we should have data tracking kids by whether they moved in 3 months, 6 months, 1 year or 2 years, and we might find that that data has more meaning than a lot of the particular breakdowns here.

Now furthermore, the President's proposed policies on social promotion and school uniforms where maybe we ought to have data on that to see whether, if they put school uniforms in school, stop social promotion, to see whether the President's initiatives are, in fact, working, and maybe that ought to be part of it, so enough that we ought to be passing a bill, we ought to have measurement standards.

Now the problem here is, is that in addition to this, let us look at the actual terms. Ethnicity is a difficult statement here. How many breakouts are we going to have? I have the largest concentration of Macedonian Americans in my district. Does this mean that we have to break it out by Macedonian Americans if there is a statistical reliable subgroup, and how many years in the U.S.? I assume that that has a technical meaning with larger subgroups, but the principle is still there, and we argue that all the time in the census right now of forms and even how to do ethnicity and background.

What about by subject matter? One Member from the other side of the aisle came down to the floor and said that he would like to know how math kids are doing by race.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I do not think I could support the gentleman's amendment. It sounds far too complex and restrictive for myself, but the gentleman should go ahead, if he would.

Mr. SOUDER. Mr. Chairman, I thank the gentleman from California.

But what about having science by sex? What about English proficiency and social economic for reading? Because, in fact, the subcategories, that would be useful information and really is information that is useful in English proficiency if we do not know the differences by whether they are a current migrant or whether they, in other words, we start to multiply the variations in what is already there.

All of this is important data. Are we going to data the districts to death?

Furthermore, in addition in this subsection 4(a)(A) it says that there has to be assessment instruments in performance objectives for every subgroup that is disaggregated. So that means, for example, if we have female and male Macedonian American students by income, unless they come in the current migrant status, then we would have to have them in a different subgroup, and

then we say this is giving schools flexibility for this itty-bitty, tiny flexibility that we are seeking here. This is a massive potential even without my proposed additional information. This is a potential massive paperwork problem, and I urge that we reject this amendment, but we in effect gut Ed-Flex.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(On request of Mr. KILDEE, and by unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, as my colleague knows, the language that we have in our amendment and the language which the gentleman quotes is not new language at all. It is the language that is in the Title I reauthorization of 1994, the standards that should be put in place, and it is the language which is in the Texas model. So it is not something that the gentleman from California (Mr. MILLER) and I dreamed up; it is something that we voted on, the gentleman from Pennsylvania (Mr. GOODLING) voted for it in 1994, and it is the same language in the Texas model.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, what I would like to point out is, is that while that may be true in a Title I massive grant, the smaller the flexibility becomes, it becomes a proportionality question, and, furthermore, I would suggest that if we want to do this much detail, that is why we run for local school boards, not become Members of the United States Congress.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but as we come to a conclusion on this debate after almost 5 hours, it is and should be fairly clear to all of us and certainly to the American people that the American education system needs reform, it needs changing, it needs improving, and I do not think we can get any disagreement at all from Democrats or Republicans that that is a true statement. But, as usual, we come down to how do we implement that, how do we achieve that goal, and, as usual, we do have different ideas about how one might do that.

Today's bill is about being flexible. It is about allowing people back home, who do very much understand the need for good training and good education, people who actually know the names of some of the children that we wish to educate, people who have a great deal riding on the education system for their State, and indeed, and most importantly, for our country. I listened to

a debate a day or two ago where it was pointed out, and I think it has been pointed out this afternoon in numerous occasions, that all 50 Governors support this Ed-Flex.

I oppose the amendment of the gentleman from Michigan (Mr. KILDEE), and I do not really like doing that especially because of my respect for Mr. KILDEE, but I oppose all these amendments simply because every amendment is based on taking away what we started out to do 5 hours ago, which was to be flexible in our funding for education.

The 50 Governors that support this particular bill happen to be Democrat and Republican. My Democratic Governor in Georgia I am very confident believes in education, and is very concerned about education in our State and is going to make the right decisions to the best of his ability. A lot of times some of the Governors, Republican and Democrat, who are trying to make decisions about education back home cannot do so because of the rings of red tape, and that goes back to the philosophy, and maybe the basic difference in us here is the philosophy in many people up here that only education, only the problems in education, can be solved in Washington. Only we care. Nobody back home could possibly care about our children, and their training and their education as much as we care here in Washington.

Mr. Chairman, that is not the contest. The contest is not who cares the most. The contest is what must we do in order to improve their training and improve their education.

I think that the 50 Governors are right. I think there is accountability in this in the sense that there is only one thing we are asking the States to be accountable for: Are they better or are they not? Have they improved, or have not they? And that is the question, and if my colleagues have not solved that within 2 years, then they are not eligible for Ed-Flex.

So with that in mind, let us give it a try. Let us see how we do. We have given it a try in 12 States. Let us try all 50 States, and let us look, I say to the gentleman from California (Mr. MILLER), and see what the results is. Let us look and see if the test scores are going up, if they are learning better, if they are preparing for life through education better, and if they are, let us do a lot more of this, and if they are not, then let us draw back and say, well, maybe they care back home in Georgia, but gosh, they just are not as smart as we are. We are going to have to take back over.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I would like to wrap up by indicating

what I said at the beginning of this entire debate, and I do not know how I can say it any more sincere.

The well-intended legislation of the 1960s failed the very people we wanted to help the most. We have to admit that. All the results indicate that. Every study has indicated that. So what I am asking my colleagues to do is we have lost 30 years. How many generations of young children have we lost who have not gotten a decent education because we would not admit that we had a problem? We always said if we had more money, we could cover more children, and somehow or other things would be beautiful. It did not work out.

Now that does not hurt us, but it sure does hurt all of those millions of children that we had hoped that we could give them a good start in education so that the life would be far better for them, and that is why it is so important that the accountability that is put in this bill is there.

I want to review that so that everybody understands exactly what the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) have done. Accountability at the federal level, the annual report to Congress; Secretary must submit a report to Congress of State use of Ed-Flex waivers and their impact on student performances. The Secretary on the Federal level approves the applications, Secretary evaluates the State application for Ed-Flex and determines whether they will receive Ed-Flex authority. The Secretary conducts performance reviews. The Secretary must conduct a performance review of States with Ed-Flex.

Then we go to the State level, accountability at the State level. We must set specific and measurable performance goals. In order to qualify States must set measurable performance goals, agree to hold schools and districts accountable for performance. They are required to monitor local waiver recipients annually. States must monitor local waiver recipients and terminate waivers after 2 years of declining performance.

Public notice and comment. States must notify the public when they grant waivers and provide them with opportunities to comment. They must submit an annual report. States must submit an annual report of how Ed-Flex waivers have been used. This report must include information on the types of waivers granted and how they have helped to implement reform and improve student performance.

Now we get down to the local level. They must set specific and measurable performance goals, specific and measurable performance goals. They must track the performance of schools and groups of students affected by waivers. The waivers are subject to termination if performance declines against objectives for two consecutive years.

This is far more than any of the 12 at the present time are asked to do, far more, and as I have said many times, they could not qualify any of the 12 for the Miller-Kildee if the Miller-Kildee amendment were part of that Goals 2000 proposal.

So again I plead with all of my colleagues. Think not about sound bites, think not about politics. Think about how we have failed the most needy children in this country and what is it we are going to do to make sure that changes and make sure as we do, as I said as the State does, with Chicago. They give them time to get everything in place. It is a new ball game for them, but they are given that opportunity, and, as I said, it appears they are working. It appears that children are benefitting in Texas. It appears children are benefitting in Maryland from this opportunity. Now let us give all 50, and let us stick to our commitment which basically says all must be in order by the school year 2000-2001.

Mr. Chairman, let us think strictly about children. Let us make sure that every child has a golden opportunity for a good quality education.

□ 1745

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding.

I would just say that I would follow on to what the gentleman from Pennsylvania (Mr. GOODLING) has said. We ought to learn from the 30 years. For 30 years, the Federal Government has been enabling very sloppy tactics, a lack of accountability. We have simply evaporated on accountability.

We ought to do it right this time, because we are making a dramatic change in direction with respect to flexibility. I think it is the right change to make, but we ought to be able to look our constituents and parents and teachers and students in the eye and say that we have in here public accountability, to try to assure that, in fact, we do it right, because we have not done it right in the past.

I only wish that so many people who spoke against this amendment would have in fact read the amendment because they characterized it in so many ways it has nothing to do with what this amendment does.

I would ask, for the first time, to put teeth into accountability. Let us find out how all of our children are not doing, it is not just some of the children, and vote for the Miller-Kildee amendment. I urge the passage of this amendment.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of the Miller-Kildee amendment, which ensures that meet our intended education goals: improving public schools, improving student achievement, and making sure our children are well prepared for the future.

Of the 12 states which are currently participating in the Ed-Flex pilot program, only Texas has set specific numerical criteria for student achievement. The GAO found that many participating states have only vague objectives that don't allow us to measure how students are progressing under the program.

The Texas plan has shown results. It has allowed the state the flexibility to identify problems and allocate resources where they are needed the most. School districts which have received waivers have made tremendous gains on state tests. This is the essence of Ed-Flex—the flexibility for states to make their own plan while showing measurable improvement in our student achievement that proves to parents that this money is being put to good use.

Democrats believe that local school districts should have flexibility when they administer federal education programs. But we also believe that flexibility should be coupled with accountability to ensure that our teachers, students, and parents receive the support they deserve. This Congress should: Authorize 30,000 more teachers on our way to 100,000; ensure that the neediest schools are protected; and hold schools accountable for student performance.

We can't just turn this money over to states and say, do with it as you will. States must set measurable goals and show progress in meeting those goals. Vote yes on the Miller-Kildee amendment.

Mr. BALLENGER. Mr. Chairman, Mike Ward, North Carolina Chief School Official said before the Committee, we wanted Ed Flex as soon as possible. This postpones it.

As a former county commissioner, I was able to see the actual effect of federal funding of local education along with the rules and regulations that tell you what you have to do and how you have to do it. One size fits all—like it or not. Same for my poorest or richest schools. Now we have a chance to free local schools from the restrictions and red tape that go with not only federal but also state monies. Let's keep it simple and Ed Flex does that.

Twelve states are currently able to waive certain federal education regulations, giving schools within these states the ability to use federal education funds to support innovative, comprehensive school improvement measures. I feel that it is imperative that we give all 50 states such waivers—including my state of North Carolina—so that students all across America may benefit from locally-designed school improvements.

Only approximately six percent of the funds needed to educate our K-12 students are provided by the federal government. However, countless regulations and requirements are tied to the use of these funds. Again, the education environment in each state and local school district is different, so why should the federal government operate under the assumption that one set of universal program requirements fits all circumstances? States and schools must be flexible in addressing local

school matters and the federal government should aide in this effort rather than obstruct positive reforms. And, for the record, H.R. 800 does contain provisions that ensure states are on the way to adopting educational content standards, performance standards, and accountability standards for local education agencies before being granted waiver authority. Under the bill, the Secretary of Education will conduct performance reviews and can revoke a state's waiver authority if a state educational agency fails to make measurable progress in meeting their stated objectives.

Like the existing 12 "ed-flex" states, North Carolina and every other state deserves the right to participate in this program. As we all know, education in this country is at a crisis point. We must let go of limited thinking in terms of education improvement and let the states and local governments use every tool at their disposal in finding new solutions—including non-traditional uses of federal education funds. We need to formulate some new thinking in education and passage of this bill is one step towards that goal.

Some of our colleagues from the other side of the aisle have said that they are in full support of this bill but feel it should only move if it is part of the reauthorization legislation for the Elementary and Secondary Education Act which we hope to pass in the upcoming months. Well, if Congress were to wait for the ideal vehicle to move all legislation, we'd never get anything done. And maybe as some people look to the 2000 election—that's the point.

Two or three weeks ago the minority leader in the Senate said this was the ideal bill to show how bipartisanship works and that probably all 100 Senators would vote for it. Additionally, all 50 governors endorse it. So what happened? Last week the minority decided to hold up that bill in the Senate by offering partisan amendments. Does it appear that our Democratic brethren have decided to stop all constructive efforts in hopes to produce a "do nothing Congress" and in doing so, gain control of the House and forget the needs of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 228, not voting 9, as follows:

[Roll No. 39]

AYES—196

Abercrombie	Berkley	Brady (PA)
Ackerman	Berman	Brown (CA)
Allen	Berry	Brown (FL)
Andrews	Bishop	Brown (OH)
Baird	Blagojevich	Capuano
Baldacci	Blumenauer	Cardin
Baldwin	Bonior	Carson
Barcia	Borski	Clay
Barrett (WI)	Boswell	Clayton
Bentsen	Boucher	Clement

Clyburn	Kennedy	Pelosi
Condit	Kildee	Peterson (MN)
Costello	Kilpatrick	Phelps
Coyne	Kind (WI)	Pickett
Cramer	Kleczka	Pomeroy
Crowley	Klink	Price (NC)
Cummings	Kucinich	Rahall
Danner	LaFalce	Rangel
Davis (FL)	Lampson	Rivers
Davis (IL)	Lantos	Rodriguez
DeFazio	Larson	Rothman
DeGette	Lee	Roybal-Allard
Delahunt	Levin	Rush
DeLauro	Lewis (GA)	Sabo
Deutsch	Lofgren	Sanchez
Dicks	Lowe	Sanders
Dingell	Lucas (KY)	Sandlin
Dixon	Luther	Sawyer
Doggett	Maloney (CT)	Schakowsky
Dooley	Maloney (NY)	Scott
Doyle	Markey	Serrano
Edwards	Martinez	Sherman
Engel	Mascara	Shows
Eshoo	Matsui	Sisisky
Etheridge	McCarthy (MO)	Skelton
Evans	McCarthy (NY)	Slaughter
Farr	McDermott	Spratt
Fattah	McGovern	Stabenow
Finler	McIntyre	Stark
Ford	McKinney	Stenholm
Frank (MA)	McNulty	Strickland
Gejdenson	Meehan	Stupak
Gephardt	Meek (FL)	Tauscher
Gonzalez	Meeks (NY)	Taylor (MS)
Gordon	Menendez	Thompson (CA)
Green (TX)	Millender	Thompson (MS)
Gutierrez	McDonald	Thurman
Hall (OH)	Miller, George	Tierney
Hastings (FL)	Mink	Towns
Hilliard	Moakley	Trafficant
Hinchey	Mollohan	Turner
Hoeffel	Moore	Udall (CO)
Holden	Moran (VA)	Udall (NM)
Holt	Murtha	Velázquez
Hooley	Nadler	Vento
Hoyer	Napolitano	Visclosky
Inslee	Neal	Waters
Jackson (IL)	Oberstar	Watt (NC)
Jackson-Lee	Obey	Waxman
(TX)	Oliver	Weiner
Jefferson	Ortiz	Wexler
John	Owens	Weygand
Johnson, E. B.	Pallone	Wise
Jones (OH)	Pascrell	Woolsey
Kanjorski	Pastor	Wu
Kaptur	Payne	Wynn

NOES—228

Aderholt	Coble	Gilchrest
Archer	Coburn	Gillmor
Armey	Collins	Gilman
Bachus	Combest	Goode
Baker	Cook	Goodlatte
Ballenger	Cooksey	Goodling
Barr	Cox	Goss
Barrett (NE)	Crane	Graham
Bartlett	Cubin	Granger
Barton	Cunningham	Green (WI)
Bass	Davis (VA)	Greenwood
Bateman	Deal	Gutknecht
Bereuter	DeLay	Hall (TX)
Biggert	DeMint	Hansen
Bilirakis	Diaz-Balart	Hastings (WA)
Bliley	Dickey	Hayes
Blunt	Doolittle	Hayworth
Boehlert	Dreier	Hefley
Boehner	Duncan	Herger
Bonilla	Dunn	Hill (IN)
Bono	Ehlers	Hill (MT)
Boyd	Ehrlich	Hilleary
Brady (TX)	Emerson	Hobson
Bryant	English	Hoekstra
Burr	Everett	Horn
Burton	Ewing	Hostettler
Buyer	Fletcher	Houghton
Callahan	Foley	Hulshof
Calvert	Forbes	Hunter
Camp	Fossella	Hutchinson
Campbell	Fowler	Hyde
Canady	Franks (NJ)	Isakson
Cannon	Frelinghuysen	Istook
Castle	Gallagher	Jenkins
Chabot	Ganske	Johnson (CT)
Chambliss	Gekas	Johnson, Sam
Chenoweth	Gibbons	Jones (NC)

Kasich	Packard	Simpson
Kelly	Paul	Skeen
King (NY)	Pease	Smith (MI)
Kingston	Peterson (PA)	Smith (NJ)
Knollenberg	Petri	Smith (TX)
Kolbe	Pickering	Smith (WA)
Kuykendall	Pitts	Snyder
LaHood	Pombo	Souder
Largent	Porter	Spence
Latham	Portman	Stearns
LaTourette	Pryce (OH)	Stump
Lazio	Quinn	Sununu
Leach	Radanovich	Sweeney
Lewis (CA)	Ramstad	Talent
Lewis (KY)	Regula	Tancredo
Linder	Reynolds	Tanner
Lipinski	Riley	Tauzin
LoBiondo	Roemer	Taylor (NC)
Lucas (OK)	Rogan	Terry
Manzullo	Rogers	Thomas
McCollum	Rohrabacher	Thornberry
McHugh	Ros-Lehtinen	Thune
McInnis	Roukema	Tiahrt
McIntosh	Royce	Toomey
McKeon	Ryan (WI)	Upton
Metcalf	Ryun (KS)	Walden
Mica	Salmon	Walsh
Miller (FL)	Sanford	Wamp
Miller, Gary	Saxton	Watkins
Moran (KS)	Scarborough	Watts (OK)
Morella	Schaffer	Weldon (FL)
Myrick	Sensenbrenner	Weldon (PA)
Nethercutt	Sessions	Weller
Ney	Shadegg	Whitfield
Northup	Shaw	Wicker
Norwood	Shays	Wilson
Nussle	Sherwood	Wolf
Ose	Shinkus	Young (AK)
Oxley	Shuster	Young (FL)

NOT VOTING—9

Becerra	Conyers	McCrery
Bilbray	Frost	Minge
Capps	Hinojosa	Reyes

□ 1805

Messrs. SIMPSON, HANSEN, BURTON of Indiana, EWING and LIPINSKI changed their vote from "aye" to "no."

Ms. KAPTUR changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 39, on agreeing to the Miller amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, pursuant to the rule, I offer amendment number 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CASTLE:

In section 4(a)(4)(A)(iii) (of H.R. 800, as reported), strike "or" and insert "and".

In section 4(a) (of H.R. 800, as reported), strike paragraph (5) and insert the following:

"(5) OVERSIGHT AND REPORTING.—

"(A) IN GENERAL.—

"(i) OVERSIGHT.—Each State educational agency participating in the education flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section. Such monitoring shall include a review of relevant audit, technical assistance, evaluation, and performance reports.

"(ii) REPORTING.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight

and its impact on the improvement of education programs.

“(B) PERFORMANCE DATA.—

“(i) STATE REPORTING.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include, as part of their report to the Secretary under clause (ii) of subparagraph (A), performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in section 3(A)(iii). The report to the Secretary shall, when applicable, include—

“(I) information on the total number of waivers granted, including the number of waivers granted for each type of waiver.

“(II) information describing the types and characteristics of waivers granted and their relationship to the progress of local educational agencies and schools toward meeting their performance objectives; and

“(III) an assurance from State program managers that the data used to measure performance of the education flexibility program under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data.”.

“(ii) SECRETARY REPORT.—The Secretary shall—

“(I) make each State report available to Congress and the general public;

“(II) submit to Congress a report, on a timely basis, that addresses the impact that the education flexibility program under this section has had with regard to performance objectives described in paragraph (3)(A)(iii). The Secretary shall include in the report to Congress an assurance that the data used to measure performance of the education flexibility program under this section are complete, reliable, and accurate or a plan for improving the reliability, completeness, and accuracy of such data.”.

□ 1815

Mr. CASTLE. Mr. Chairman, the amendment is offered by myself, the gentleman from Indiana (Mr. ROEMER), the cosponsor, the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MILLER), and the gentleman from Pennsylvania (Mr. GOODLING).

This is a relatively simple amendment. I will take very little time to explain it. It pertains to oversight and reporting requirements, as sort of a follow-up on some of the earlier discussions about GAO.

It strengthens accountability by clarifying reporting and oversight requirements. It ensures that when States monitor the performance of local waiver recipients, they use all information available to them to hold them accountable for using Ed-Flex to improve students' performance.

It clarifies what States must submit to the U.S. Department of Education in their annual Ed-Flex reports. States need only to provide performance data and information about the types and characteristics of the waivers granted. No unnecessary burdensome paperwork requirements, just what Congress needs to evaluate the success of the program and how it is helping reform at the local level.

Finally, it will enable Congress to better understand how Ed-Flex waivers are being implemented, a concern raised by the GAO. It requires States to provide an assurance that their data is complete, reliable and accurate, which is in accordance with standard accounting procedures, and it clarifies that the Secretary should report the information they receive to Congress and the general public on an annual basis.

Included in this report will be an overall assessment of the impact of Ed-Flex waivers on student performance. That is the heart and soul of what this amendment is.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the coauthor of this amendment. I support this amendment very strongly. The gentleman from California (Mr. MILLER) originally came up with this language in committee that was modified and hopefully improved on by the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE) and the gentleman from Missouri (Mr. CLAY).

We believe it is very important to get good information about how these waivers are being used. We believe it is very important to get specific information, and not just accumulate a phone book, but get specific data, for instance, on how the Ed-Flex waivers are being used for the Eisenhower Program.

And if a particular program is still keeping scores up and they are still using the waiver, but their science and math scores are maintaining as high or if not higher than the rest of the State, we want them to share that information with other States that are applying for the waiver.

So we strongly support this language. We thank the gentleman from California (Mr. MILLER) for the discussion we had on this in our committee, and I would propose to my good friend, the gentleman from Delaware, the co-author of the amendment and the bill, that we have a unanimous consent agreement at the present time to limit the debate on this particular amendment, which is an agreed-to amendment, to just two or three speakers, maybe just the managers of the bill, and then move on to the Scott amendment, which is an important and substantive amendment.

Mr. CASTLE. Mr. Chairman, I have no problems with the gentleman's offer, but I have the chairman of the committee standing here. Maybe I should get his wise advice.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I think that would be a good idea, Mr. Chairman. Basi-

cally, after the last discussion we had for hours and hours and hours, no one should oppose this, since it strengthens accountability by clarifying reporting and oversight requirements. So I would think it is a unanimous vote, and if the gentleman needs a recorded one to see that it is unanimous, the gentleman can ask for one.

Mr. ROEMER. No, we do not want a recorded vote.

Mr. CASTLE. Mr. Chairman, I realize there is a time problem here. We have one or two people who want to speak. Can we have two speakers of 3 minutes, or something of that nature?

Mr. ROEMER. Mr. Chairman, I ask unanimous consent now that we have two speakers; that the gentleman has 5 minutes of debate and we have 5 minutes of debate, and we would yield back our 5 minutes on this particular amendment.

Mr. CASTLE. Yes. I would agree to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

Mr. CASTLE. Mr. Chairman, let me restate it, 5 minutes on each side?

Mr. ROEMER. That is correct.

Mr. GOODLING. On this amendment?

Mr. ROEMER. That is correct. Then we would move on to our side, and the gentleman from Virginia (Mr. SCOTT) would be eligible to offer an amendment.

Mr. CASTLE. That is 5 minutes total for our speakers?

Mr. ROEMER. Five minutes on each side, and we would probably yield back our 5 minutes.

Mr. CASTLE. Yes.

The CHAIRMAN. The unanimous consent request, as the Chair understands it, is 5 minutes on each side for this amendment and any amendments thereto.

Mr. ROEMER. No, just this amendment.

Mr. CASTLE. Just this amendment, and amendments to this amendment, yes. Sorry.

The CHAIRMAN. That is what the Chair said.

Mr. CASTLE. Sorry, Mr. Chairman.

The CHAIRMAN. For this amendment and any amendments thereto, 5 minutes on a side, the time to be controlled by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER).

Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to thank my colleagues from the other side. I came to this debate fully expecting that there would be a donnybrook and

battle. I think it has been a very healthy debate, showing differences on the issues itself. It did not get personal. There was very little partisanship that went through. I think that is very, very good.

Mr. Chairman, I would also like to thank the gentleman from Michigan (Mr. KILDEE). Of anybody I have worked with in Congress, both when he was my chairman on the committee and then when I was his chairman on the committee, there is no other one on the other side of the aisle that I have ever worked better with on education issues.

Mr. CASTLE. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. I thank the gentleman for yielding time to me, Mr. Chairman.

I think it is constructive that earlier this afternoon the Pennsylvania delegation met with Governor Ridge, a former member here. The first question that our Governor asked is, When are you going to move this Ed-Flex bill? We absolutely have to have it.

This is what he said was the primary reason, that 40 percent of the bureaucrats working in the State Department of Education are employed filling out Federal forms, only to qualify them for 7 percent of their total educational package.

So the notion that the Castle amendment, joined in with the Ed-Flex bill, will give the Governor of Pennsylvania the opportunity to put some of those 40 percent of the educational bureaucrats to work doing something productive is reason enough for both the Castle amendment and the bill.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

I strongly support the Castle-Roemer amendment, and thank the gentleman from California (Mr. MILLER) for his excellent contributions.

Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. SCOTT:

In section 4(c) (of H.R. 800, as reported), after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) in the case of a school that participates in a schoolwide program under section 1114

of the Elementary and Secondary Education Act of 1965, the eligibility requirements of such section if such a school serves a school attendance area in which less than 35 percent of the children are from low-income families; and

Mr. SCOTT. Mr. Chairman, historically, when it comes to educating the most difficult and challenging portions of our society, it has always been the Federal Government that has been forced to act because of the States' inability or unwillingness to act.

For example, it was the United States Supreme Court in *Brown vs. Board of Education* which forced States to provide an equal education for African American students.

It was Congress, through the Individuals with Disabilities Education Act, which required States to afford free and appropriate education to children who are physically and mentally challenged. For low-income children, Title I was fashioned by Congress to focus resources on a population whose needs were not being met.

Today it seems that we are prepared to abrogate our responsibility to make sure that those who are in need of educational services continue to receive focused Federal educational assistance. In the name of increased flexibility, the bill before us allows States and school districts to shift targeted Federal educational assistance away from the most educationally and economically disadvantaged students.

This amendment, which I am offering today with my colleague, the gentleman from New Jersey (Mr. PAYNE), guarantees that we will continue to focus on children most in need of assistance.

Mr. Chairman, without this amendment we would allow schools to shift funds designed to improve educational opportunities for those who are economically and educationally disadvantaged in favor of those who are not in as much need. The purpose of Title I is to focus funding on low-income students, because we recognize that they are educationally at risk and because we recognize that the States were not addressing these needs. Funds must be focused on those children who are most at risk.

But there is an exception to those who are in schools where the majority of the students are poor. In those schools, Title I funds can be used for school-wide programs, not targeted purposes. Although the funds are thereby diluted, the dilution is offset by the administrative efficiencies in the school-wide programs, rather than having to serve only those children who are technically eligible for services, and not others. This amendment will prevent schools with low poverty rates from diluting the funding to the point where the needy students are not helped at all.

Members of Congress should be reminded of why Title I was funded in

the first place, because States were ignoring the educational needs of the poor. If we trusted the States to adequately fund the educational needs of the poor, we would not have funded Title I in the first place. Therefore, I offer this amendment to avoid unnecessary dilution of Title I funds, and to maintain our commitment to those educationally at risk.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, the gentleman from Virginia (Mr. SCOTT) and I feel that this amendment is extremely important.

When the Elementary and Secondary Education Act was originally written in 1965, it was clear that the performance of students at high poverty schools was relatively low. The Federal Government decided to commit resources to ensuring those schools receive program funds specifically targeted to schools that had large numbers of children who lived in poverty. That program is now called Title I, and it was created to help improve the gap in achievement between low- and high-income students.

We all know that today the gap of achievement still exists. That is why it is important that we maintain our commitment to reaching out to those schools in the form of targeted assistance. But under H.R. 800, States are given the authority to allow schools to participate in schoolwide programs under Title I, regardless of their low-income child percentages.

Let me give an idea of what Title I schoolwide programs do and how they are funded. Funds are currently given to individual schools with a student population that is 50 percent or more below the poverty level. They are able to use the school-wide funds to institute programs that benefit all students at a high priority school. Such examples include hiring more teachers, instituting reform plans.

This bill will allow waivers to be issued to schools so they may give these funds to any school, regardless of their poverty level. This is wrong. Giving school districts the authority to use Title I funds for schoolwide programs at any school, regardless of the number of children who are low-income, dilutes the purpose of Title I. It is wrong.

Over the years, when the program first started, we had to demonstrate 75 percent of the students. It was dropped to 50 percent. Now we are saying it is unimportant about the level.

Now we stand here today, about to vote on a bill that will give the States the authority to waive this poverty level requirement and allow schoolwide program funds to be allocated to schools that do not have one child who lives below the poverty level. We can argue all we want about the effectiveness of the Title I program over the years. But make no mistake about it, Title I was created to give high poverty, low performing schools a better chance

at improving student achievement. We cannot take away our commitment to these schools by allowing waivers to be issued to schools that have low levels of poverty to be eligible for Title I funds. Diluting Title I funds for schoolwide programs so that any school can use them defeats the entire purpose of the program. This amendment will simply make sure that only schools with over a 35% poverty rate are eligible for schoolwide project funds. It will keep low poverty schools from capitalizing on a program meant for high poverty schools. This amendment is consistent with the actions of the Secretary of Education who has only issued waivers for schoolwide programs to schools with poverty levels of above 35%. Without accepting this amendment, we will find that we have spread the funds too thin to see any real gains in achievement at schools using Title I funds for schoolwide programs. And we will most certainly find that disadvantaged schools will see less of the Title I funds originally created to bridge the gap between high and low poverty schools. The Title I program was created as a program for disadvantaged students. You can keep some semblance of that intention if you vote for this amendment.

Mr. HOEKSTRA. Mr. Chairman, I rise to oppose this amendment. Let me explain why.

Over the last few years, as we have taken a look at education around the country, we have visited a lot of different types of school districts, but one constant remains, that people at the local level are focused at meeting the needs of the kids in their schools. They want more flexibility. Washington has stood in the way too often of schools helping kids in their community.

What Ed-Flex does is it steps back and it says, we recognize that at the local level the teachers, the parents, and the school districts are best-equipped to make the decisions to improve the lives and the education of their students.

If we take a look at the facts, Ed-Flex, in the 12 States where it has been operating, has been helping and not hurting Title I students. It just reinforces the direction here that says, let local people make local decisions. We have had lots of cases where schoolwide programs have been more effective at improving student performance than traditional targeted programs.

In both Texas and Maryland, Ed-Flex States, Ed-Flex has enabled school districts in each State to improve the test scores of their poorest children. In return for greater flexibility, both States have produced solid academic outcomes.

An example, in Kent County, Maryland, a 60 percent poverty school that utilizes Ed-Flex, it now has the third highest test scores in the State. In Texas, through the use of Ed-Flex waiver authority for schoolwide projects under Title I, test scores of poor and educationally disadvantaged students have increased significantly.

I think these are just a couple of examples of when we empower people at

the local level, they take that flexibility and they make the decisions that are right for that school district and for the kids in their schools.

□ 1830

We saw that over and over again. Whether we were in New York, whether we were in Cleveland, whether we were in Milwaukee, when we give the flexibility, people at the local level embrace it and put together some truly exceptional programs. They do focus on results, and they do focus on the most needy students within their school districts.

We do not need Washington to dictate. We ought to place some confidence in people at the local district. I think what we have seen and the examples that we have out of Texas and Maryland show that that is exactly what happens.

Some would argue that Ed-Flex shortchanges high poverty schools. Again, that is not true. Since 1994, the year that both Ed-Flex and schoolwide projects under Title I became law, the percentage of high poverty schools receiving Title I funds rose from 79 percent in 1993, 1994 to close to 95 percent in 1997, 1998. Poor students are continuing to benefit under Title I.

The question that we have is, when Governors, school administrators, teachers, State boards of education, local boards of education, and chambers of commerce, all experts at improving education, they all support more flexibility for the States, why is it that we continually see amendments here in Washington that are trying to dictate to them what they should do?

We know flexibility works. Local school principals, local teachers, local administrators like having the schoolwide option. The national assessment of Title I shows that, by 1997, 1998, 82 percent of eligible schools were using the schoolwide option, and an additional 12 percent were considering implementing schoolwide programs.

We know that this type of an approach works. We know that the flexibility works. We know that, when we enhance the capability of people at the local level within a set of parameters to improve education, they make the right kinds of decisions. Let us leave this decision making at the local level within those parameters and oppose this amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at the end of this debate, when we have 15 or 20 minutes left in this 5-hour debate, to again salute my coauthor the gentleman from Delaware (Mr. CASTLE), who has worked so hard and with so much integrity on this legislation. I have enjoyed working with him very much on this legislation, and I hope to work with him in conference on this legislation.

We have agreed virtually on everything over the last 8 months. Accountability and how, in the sensitivity of enhanced flexibility, but strong accountability, we work through that nexus and that synergy. I think we have accomplished that.

We have worked through a host of other very, very difficult yet bipartisan issues. This is the one issue that I come down in disagreement with my good friend, the gentleman from Delaware (Mr. CASTLE). I come down on this on the side of the amendment of the gentleman from Virginia (Mr. SCOTT).

When we look at this bill and we see how we must maintain accountability, we also have to maintain the integrity of Title I programs. When we look at the genesis of Title I under the SEA Act of 1965, we look at why we formulated this program in the first place, that different children come to school from different families with different incomes.

Some of these children come to schools where they are eligible for free or reduced lunch programs, where their parents or parent are making under the poverty line. We put together the program that tried to compensate some of these school districts that base their tax system on State and local taxes, but they may have high poverty rates and may have high percentages of children on free and reduced lunches.

The Title I program is specifically designed to help these children that attend some schools in some of our inner cities where we do not have adequate access to technology and computers, we do not have adequate textbooks, textbooks are missing pages in algebra in science, where we have children walk through gang-infested neighborhoods, and we have to employ out of those funds in the school full-time police officers. What about equal access to education for these children?

All the Scott amendment does, it says that we are going to try a new way of delivering Title I programs, but there should be a floor as we experiment here. The floor should be at 35 percent. I think the State of Michigan has voluntarily agreed to set that standard at 35 percent.

We must, and I implore my colleagues on the other side, where Democrats have come across the aisle today on several amendments to join with Republicans, that Republicans join now with Democrats; that we look at the genesis of Title I; that we maintain the integrity of helping the poorest of the poor students; that we consider that some of these children come from very different backgrounds and very different incomes and very different families.

Some of these children do not get hot lunches and hot dinners and hot breakfasts if it were not for our hot lunch and hot food program. They would not have access to the kind of education

that every son and every daughter should have in this country if it were not for equal distribution or fair distribution or the integrity of the Title I program.

I encourage my colleagues not to let that floor be set any lower than 35 percent and support the Scott amendment. It maintains that integrity in the Title I program. I thank the gentleman from Virginia (Mr. SCOTT) for offering this amendment.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak to this as sincerely as I possibly can. Sometimes we get awfully tangled up with numbers on this. I respect the gentleman from Virginia (Mr. SCOTT) in so many ways because we have worked together on a lot of different issues. But I am perplexed by Title I.

I have watched Title I for many, many years in many capacities in the State of Delaware. Quite frankly, while money goes into the system, I have never seen a measurable output that would tell me that Title I is actually doing better. Now one could argue it is, but it is all anecdotal at this point.

We are now seeing under the Ed-Flex legislation, when schools are going to schoolwide projects, which means that they take the whole school and try to have a rising tide with respect to that school, that, all of a sudden, the Title I kids are doing better.

I am not going to sit here and tell my colleagues this is the best thing since sliced bread because it is not absolutely proven yet, but it seems to be working. To put a floor on this and to say, if one does not have 35 percent or more poverty, one cannot get a waiver in this case I think would be a mistake.

I think we should let the local school district and the schools and the States make the decision as to which way we should go. We have this particular chart, which shows that Ed-Flex boosts student performance, Texas uses flexibility to improve reading scores. It shows statewide scores. Then it shows higher scores for Hispanic Ed-Flex schools, for African-American Ed-Flex schools, and for economically disadvantaged Ed-Flex schools.

So we actually can show, we can document improvement in State reading scores in the State of Texas as a result of what they have been able to do with Ed-Flex, with the schoolwide programs, and with the waivers.

I spent time in a school in Dover, Delaware, I guess 3 days ago now, and talked to the principal there. We are not an Ed-Flex State, but she is not sure about whether to go to something like a schoolwide program at this point. That is fine. That is her decision. I do not have a problem with that.

In Kent County, Maryland, right over here on the Eastern Shore, if you go to

Rehoboth Beach, Delaware, you drive through it, a 60 percent poverty school there that utilizes Ed-Flex has the third highest test scores in the Nation.

I do not know this, but I would imagine there are not too many Title I programs across this country which can have documentation such as that. They of course are using the schoolwide projects to carry out what they have to do in order to help these young children.

The people who are doing this care a great deal. These are not people who are trying to throw money away. As a matter of fact, in the Ed-Flex bill, one cannot change the money. The money goes to the school district. They get it, and they cannot give it away to another school district. But they can make decisions in their school district, just as Texas has done.

Maybe a school that is a little bit higher income can do better than a school that is a little bit lower income, needs more help than a school that is a little bit lower income, and, therefore, adjusts the flow of their funds accordingly in order to accommodate those problems.

The governors, the school administrators, the teachers, the State boards of education, the local board of education, and the Chamber of Commerce, among others, have all looked at this and believe that it is a positive step going in the right direction.

We also have plenty of accountability in this bill now thanks to some of the discussion today and some of the things we were able to do in committee. Indeed, we can make determinations if these programs are working.

But, again, I am trying to discourage any amendments today, tonight, that are going to, in some way, discourage flexibility. Of all the areas that concern me the most, Title I is the one I am most interested in seeing what we can do, to see if we can have documentable improvement of our students in those particular programs.

The one thing that I see and which truly has worked is the schoolwide programs which we have talked about here today. By the way, schoolwide waivers and the Title I programs are almost the most sought after in some ways of these various waivers under Ed-Flex as well, because a lot of schools are seeing that opportunity.

I personally shy away from arbitrarily putting in some sort of a floor and say, well, if one is below that then one cannot have the schoolwide program. Others might argue, well, if one gets below that level, one is going to have so little money one has to do it for individuals or whatever it may be.

I do not necessarily believe that. I believe that educators in America today are beginning to really understand that people in elected office, parents, and people across this country

are beginning to demand better education. That is the best thing that has ever happened.

The next best thing that has ever happened is the fact that we are taking this long to discuss a bill of this importance on the floor of the House of Representatives. As was said at the very beginning, I hope we do it once a week. I am not sure the staff hopes for that. But I hope we do it once a week so we can improve the education of our children.

I would hope, even though I want to help Title I in every way we can, that tomorrow, when we vote on this amendment, that we would defeat the amendment; after we have done that, that we would rally together to pass Ed-Flex.

We have had a good debate on the amendments. I understand there is a good chance it will pass in the other body tomorrow. They have worked some things out apparently. The chairman has given strong support for this. This is really an opportunity for us to join together to move education forward.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Scott amendment and wish to cite improvements in the District of Columbia as one good reason this amendment is minimally necessary if we are really going to pass this Ed-Flex bill at all.

I hope we will not throw poor children into a power struggle to get money, Title I money, and that is what we are doing if we do not safeguard this flexibility, if you will, for those who need it more.

If one asks any parent, any child, any teacher what could the Congress most do that would help you, I do not think they would say give us flexibility. I think they would say give us results.

I implore my colleagues to look at the question: If we are freeing up funds, for what and for whom? No government spends money so well that we should want to give it a blank check. If my colleagues do not think much of the way the Federal Government spends money, I hope they do not believe that the State governments are paragons of fairness and of efficiency in spending money. The problem, as usual, is that one has to watch government and to make sure government spends its money wisely where it is most needed.

We have had an extraordinary thing happen in the District of Columbia, a turnaround in test scores. Every grade, test scores have significantly gone up. How do we do it? We did it by giving individual attention to the children most in need, because they are with children who are pulling down the test scores for everybody else.

□ 1845

We did it by our Summer Stars program, where children were in classes of

15 children to 1 teacher. We do it now with a Saturday Stars program, with the children most in need going to school on Saturday for special attention.

We have not spread the money all around the city and said that whether the children needed it or not, here is some money. We do not need to shoot in the dark, nor do we need to say, here is the bank, come get it, and whichever of them are most powerful, and we know who they are, they will be sure to get it.

Moreover, we have learned something finally about education. Essentially we have learned that if a child is going to learn to read at all, they had better learn to read in those early grades. It becomes very, very difficult afterwards.

Who is having trouble reading? It is the 35 percent that the amendment of the gentleman from Virginia (Mr. SCOTT) would set aside money for. Mr. Chairman, there is a direct correlation between test scores and income. The evidence there is irrefutable. There is a direct correlation between income and IQ. So we do know that if income, which means access to education, goes up, that we do improve what happens to a child.

The gap between the poor and the middle class is not going to erase itself by "flexibility". If we want that gap to be erased, then we have to make sure that at least some of the money is targeted where it is most needed.

Why did we pass this bill in the middle of the war on poverty in the first place? We passed it because there were children who were not getting the attention that was needed. If we must pass this bill, and I have grave problems with this bill, it seems to me that the other side owes us some continuing guarantee that we are not simply blowing the lid off of Title I, telling poor children that they and their parents are now in the mix and may the most powerful and most outspoken win.

We have an obligation to, at the very least, if we must pass this bill, to make certain that the flexibility that we all seek redounds especially to those most in need.

Mr. CUMMINGS. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Maryland.

Mr. CUMMINGS. I thank the gentlewoman for yielding, Mr. Chairman, and I stand in support of the Scott-Payne amendment.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia (Ms. NORTON) has expired.

(On request of Mr. CUMMINGS, and by unanimous consent, Ms. NORTON was allowed to proceed for 1 additional minute.)

Mr. CUMMINGS. Mr. Chairman, if the gentlewoman will continue to yield, I stand in support of the Scott-

Payne amendment. And the reason why, Mr. Chairman, is I would have been one who would have come under Title I.

Many years ago I was placed in special education and told that I would never be able to read or write. And as I look at this whole bill, the safeguards are not there to address accountability. When the Kildee amendment was defeated, accountability went away.

In my district, in many of my schools, most of the children are Title I children, and I am very, very concerned about them. I would just ask the House to support this amendment.

Title I is the federal government's way of assuring disadvantaged children have the opportunity to receive the supplemental services they need to succeed, school as reading and math. We must continue this effort to close the academic achievement gap between disadvantaged children and their schoolmates. Unfortunately, the Ed-Flex bill does not include the safeguards to ensure that this happens. With the defeat of the Miller/Kildee amendment this bill will go forth without substantial accountability mechanisms in place. Moreover, the bill itself will allow states to waive the current 50% requirement for Title I. Conceivably, a school could use their Title I funds on a school-wide project that did not take into account special needs of poorer children.

My state of Maryland is one of the 12 states that is currently implementing Ed-Flex, with measured statewide success. The majority of children in my District of Baltimore City are Title I eligible. I have serious concerns that with no accountability with regards to Title I funds, monies could possibly be diverted away from disadvantaged students. As my colleague Sheila Jackson-Lee pointed out in the earlier debate, Title I funds can account for up to one-third of a local school system's budget in a disadvantaged area. That is a lot of money with no accountability.

That is why I stand here today to support the Scott/Payne amendment which would require that only schools in which at least 35% of the students come from low-income families may seek a waiver to use their Title I funds to operate their school-wide programs. We must not reduce targeted resources available to disadvantaged children. It is a risk we cannot take. I urge my colleagues on both sides of the aisle to join me in voting in favor of this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) is entitled to 5 minutes, but under the rule, there is only 3 minutes remaining. The gentleman may have those 3 minutes.

Mr. GOODLING. I can do it in 3 minutes, Mr. Chairman.

I want to, first of all, indicate to the gentlewoman from D.C. that, as a matter of fact, they are turning it around under present existing law. There does not have to be a change. They are turning it around under the 50 percent existing law that is there now.

Now, I have been wanting to, for many, many years, give the gentlewoman an extra \$12 million a year. I have been wanting to give the gentlewoman from D.C. an extra \$12 million a year. All the gentlewoman has to do is help me. All she has to do is get the special education funding that the gentlewoman's side promised 23 years ago, and we would give her an extra \$12 million every year. Boy, could the gentlewoman ever reduce class size; could the gentlewoman ever do a lot of repairs. She could do all sorts of things with that \$12 million.

The important thing is that the changes are being made under existing law. All the scores that have gone up in Texas have gone up under the school-wide effort. That is the beauty of it. We are pulling everybody up. So we do not need any changes because it is now working.

So, again, I would ask everyone to oppose this amendment, allow Texas to continue to raise African American students 11.9, when the State average is only 11.4; Hispanic students 9.4, the average is only 9.2; the economically disadvantaged student, 10.3, the average is only 10. They are doing all those wonderful things to help every youngster improve their opportunity for a piece of that American dream. Math, same story. Every one in the Ed-Flex schools have increased, and they have done it with school-wide effort.

So, again, Mr. Chairman, things are improving under existing law, finally. Finally, after 30 years in this program and 23 years in the Head Start, and so on, those youngsters are finally getting an opportunity to get a piece of that American dream.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this Amendment, which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The Scott amendment would add a finding to the bill encouraging the use of flexibility in administering Federal Education programs while not reducing resources to schools with the highest concentrations of poor children.

This amendment sends the message that flexibility and targeting of resources should be coupled together in the effective administration of Federal education programs. It also recognizes that the concept of flexibility and targeting do not have to be at odds.

With this amendment, this body sends an important message that targeting of Federal resources is vital to the success of disadvantaged children, even in efforts to advance flexibility. Focus the use of Ed-Flex in expanding flexibility that recognizes the need to target resources.

I urge my colleagues to support this amendment which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The CHAIRMAN. Time for consideration of the bill for amendment under the 5-minute rule has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 100, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOSSELLA) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to provide for education flexibility partnerships, had come to no resolution thereon.

REQUEST FOR VOTE ON AMENDMENT NO. 3 DURING FURTHER CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that when the House resolves into the Committee of the Whole House for the further consideration of H.R. 800, that amendment No. 3, printed in the RECORD, be considered ordered for a vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. CASTLE. Mr. Speaker, reserving the right to object, I would ask the gentleman from Missouri (Mr. CLAY) to please explain.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, the Members are being asked to vote on, without debate, amendment No. 3, which would authorize the hiring of 100,000 new teachers to deal with the problems that exist in some of these communities and would be able to reduce class size for the lower grades, K through 3.

I think it is a very important amendment, Mr. Speaker.

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR PERMISSION TO EXTEND TIME FOR DEBATE AND OFFERING OF AMENDMENTS FOR 2 ADDITIONAL HOURS DURING FURTHER CONSIDERATION OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the time period established on H.R. 800 for consideration of this bill or amendments under the 5-minute rule be extended for 2 additional hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 42, PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106-48) on the resolution (H. Res. 103) providing for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 819, FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1999

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106-49) on the resolution (H. Res. 104) providing for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides

for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) is to continue in effect beyond March 15, 1999, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities. The last notice of continuation was published in the *Federal Register* on March 6, 1998.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.
THE WHITE HOUSE, March 10, 1999.

TRIBUTE TO BUCKNER HINKLE, SR.

(Mr. FLETCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, today I rise to recognize the life and accomplishments of Mr. Buckner Hinkle, Sr. of Bourbon County, Kentucky.

Mr. Hinkle will be missed deeply by his family and community, but his memory will live forever in a place he loved so dearly and worked so hard to preserve. He was a leader in his community and worked tirelessly to make sure Bourbon County was the best it possibly could be.

Mr. Hinkle was a dedicated friend, neighbor and citizen, who showed an ongoing interest for people around him and for the community in which he lived. He gave unselfishly of himself and asked for nothing in return.

I know he will be missed by his loving family and friends, however his memory and many contributions to those around him will live forever. It is an honor to recognize the life of an outstanding American who truly made Bourbon County, Kentucky, a better place.